



Review Sheet



Last
Reviewed
2 Jan 2026



Last
Amended
2 Jan 2026



This policy will be reviewed as needs require or at the following interval:
Annual

Business Impact:



Changes are important, but urgent implementation is not required, incorporate into your existing workflow.

Reason for this Review:

Best practice

Changes Made:

Yes

Summary:

This policy has been updated in response to the CQC Supporting Documents guidance updates of 16 December 2025. It provides guidance on how Humbercare Ltd promotes and demonstrates compliance with equality, diversity, and human rights, in line with legislation, regulatory standards, and best practice. Sections 4 and 5 have been updated to provide more detailed information on how compliance is evidenced. Article 9 – Freedom of thought, conscience and religion, and Article 10 – Freedom of expression have been added at 5.16 and 5.17 respectively, since their inclusion demonstrates a commitment to person-centred, non-discriminatory care which respects individual autonomy, diversity, and dignity. The Key Facts and Outstanding Practice sections have been revised and strengthened, and Underpinning Knowledge and Further Reading links have been reviewed to ensure they remain current.

Relevant Legislation:

- The Care Act 2014
- Equality Act 2010
- Equality Act 2010: Chapter 1 (Protected Characteristics) Chapter 2 (Prohibited Conduct) and Chapter 3 (Services and Public Functions)
- Human Rights Act 1998
- Mental Capacity Act 2005
- Mental Capacity Act Code of Practice
- Gender Recognition Act 2004
- UK GDPR
- Health and Social Care Act 2012 Section 250 (Information Standards)
- Data Protection Act 2018

- Author: Equality and Human Rights Commission, (2025), Equality and Human Rights in Social Care [Online] Available from: <https://www.equalityhumanrights.com/our-work/inquiries-and-investigations/adult-social-care-inquiry/equality-and-human-rights-social?return-url=https%3A%2F%2Fwww.equalityhumanrights.com%2Fsearch%3>



Underpinning Knowledge:	<p>Fkeys%3DEquality%2Band%2BHuman%2BRights%2Bin%2BSocial%2BCare [Accessed: 02/01/2026]</p> <ul style="list-style-type: none">• Author: HM Government, (2020), Mental Capacity Act Code of Practice [Online] Available from: https://www.gov.uk/government/publications/mental-capacity-act-code-of-practice [Accessed: 02/01/2026]• Author: Equality and Human Rights Commission, (2019), What do we mean by reasonable? [Online] Available from: https://www.equalityhumanrights.com/guidance/business/employing-people-workplace-adjustments/what-do-we-mean-reasonable [Accessed: 02/01/2026]• Author: Equality and Human Rights Commission, (2020), The United Nations Convention on the Rights of People with Disabilities [Online] Available from: https://www.equalityhumanrights.com/sites/default/files/uncrpdguide_0.pdf [Accessed: 02/01/2026]• Author: CQC, (2023), Our Updated Human Rights Approach [Online] Available from: https://www.cqc.org.uk/about-us/our-updated-human-rights-approach#:~:text=As%20a%20human%20rights%2Dfocused,rights%20issues%20that%20we%20find. [Accessed: 02/01/2026]• Author: The British Institute of Human Rights, (2022), Organisations' Duties Health, Care & Social Work [Online] Available from: https://www.bihhr.org.uk/get-informed/where-do-organisations-duties-apply/health-care-social-work [Accessed: 02/01/2026]• Author: NHS England, (2025), Accessible Information Standard [Online] Available from: https://www.england.nhs.uk/long-read/accessible-information-standard-requirements-dapb1605/ [Accessed: 02/01/2026]
Suggested Action:	<ul style="list-style-type: none">• Encourage sharing the policy through the use of the QCS App
Equality Impact Assessment:	<p>QCS have undertaken an equality analysis during the review of this policy. This statement is a written record that demonstrates that we have shown due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations with respect to the characteristics protected by equality law.</p>



1. Purpose

1.1 To promote equality, diversity, and human rights for all Service Users, to ensure that care and support is delivered in a person-centred way, respecting individual choices, preferences, dignity, and privacy.

This policy supports staff to provide care and support that is safe, effective, caring, responsive, and well-led, in line with CQC fundamental standards and quality statements, and ensures compliance with relevant legislation, including the Equality Act 2010.

(Equality and human rights for staff are not addressed in this policy - please refer to the Equality and Diversity policy and procedure)

1.2 To enable Humbercare Limited to meet the legal requirements to promote and protect the equality and human rights of Service Users, including any reasonable adjustments that might be needed to provide inclusive care and support.

1.3 This policy should be read alongside:

- Service User Bullying Policy and Procedure
- Consent to Care, Support and Treatment Policy and Procedure
- Raising Concerns, Freedom to Speak Up and Whistleblowing Policy and Procedure
- Closed Cultures Policy and Procedure

1.4

Key Question	Quality Statements
CARING	QSC1: Kindness, compassion and dignity QSC3: Independence, choice and control
EFFECTIVE	QSE6: Consent to care and treatment
SAFE	QSS4: Involving people to manage risks QSS5: Safe environments
WELL-LED	QSW1: Shared direction and culture QSW2: Capable, compassionate and inclusive leaders

1.5 Relevant Legislation

- The Care Act 2014
- Equality Act 2010
- Equality Act 2010: Chapter 1 (Protected Characteristics) Chapter 2 (Prohibited Conduct) and Chapter 3 (Services and Public Functions)
- Human Rights Act 1998
- Mental Capacity Act 2005
- Mental Capacity Act Code of Practice
- Gender Recognition Act 2004
- UK GDPR
- Health and Social Care Act 2012 Section 250 (Information Standards)



- Data Protection Act 2018



2. Scope

2.1 Roles Affected:

- All Staff
- Volunteers

2.2 People Affected:

- Service Users

2.3 Stakeholders Affected:

- Family
- Advocates
- Representatives
- Commissioners
- External health professionals
- Local Authority
- NHS



3. Objectives

3.1 Humbercare Ltd has a clear and ongoing commitment to promoting and respecting the rights of all Service Users, regardless of their situation and protected characteristics.

Humbercare Ltd provides support fairly and indiscriminately by ensuring that each Service User is treated as an individual, and support is tailored specifically to meet their unique needs.

3.2 Service Users are honoured in all their uniqueness and diversity, and their rights to live as they choose are not restricted, except where this is strictly both necessary and proportionate, and in accordance with this policy.

3.3 Care Plans are created individually and show ongoing commitment to respecting and promoting the human rights of each Service User:

- Through demonstrating knowledge of the person's wishes and feelings
- Making these the framework for the way services are provided
- Ensuring any reasonable adjustments are in place

3.4 Staff show, by their actions, a commitment to equality and diversity, by enabling Service Users to maintain or create hobbies and interests, community links, friendships and memberships of religious or community organisations.

3.5 Humbercare Ltd reflects, through staff, volunteers or proactive community involvement, the cultural, religious and social make-up of the local community, so that Service Users do not feel distanced from those who share their culture or background.

3.6 Humbercare Ltd is committed to ensuring that everyone can access information in a way that meets their individual communication needs in line with the Accessible Information



Standard.

To ensure that the six outcomes (listed below) of the Accessible Information Standard are met.

- **Identifying needs**
- **Recording needs**
- **Flagging needs**
- **Sharing needs**
- **Meeting needs**
- **Reviewing needs**

Staff at Humbercare Ltd understand these outcomes and there are processes in place to ensure these are met.



4. Policy

4.1 CQC Regulated Activities, Service Types and Service User Bands

Where required, Humbercare Ltd will be registered with the CQC for regulated activities, service types and service user bands as defined in the CQC Statement of Purpose.

This will ensure that Humbercare Ltd provides services that are safe, effective, caring, responsive and well-led in line with the CQC's published quality statements, regulatory framework and associated best practice guidance.

Humbercare Ltd is registered to provide the following regulated activities:

Personal Care

Humbercare Ltd is registered to provide the following service types:

Domiciliary care service (DCC), Supported living service (SLS)

Humbercare Ltd is registered to support the following service user bands:

Adults aged 18 - 65, Learning difficulties or autistic disorder, Mental health, Older people (Aged 65+), People who misuse drugs or alcohol, People with an eating disorder, Physical disability, Sensory impairment

4.2 The Registered Manager, Mrs Dale Thompson, and Nominated Individual, Miss Rosanna Cannas, of Humbercare Ltd, have overall management responsibility for this policy and procedure.

This is in line with the Policy Management Policy and Procedure at Humbercare Ltd.

4.3 Humbercare Ltd is committed to upholding equality, diversity, and human rights in line with legislation and underpinned by the following principles:

Equality: Discrimination is prevented across all protected characteristics. All individuals are treated fairly and without discrimination, regardless of age, disability, gender, gender reassignment, race, religion or belief, sexual orientation, pregnancy/maternity, or marital/civil partnership status.



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Diversity: Humbercare Ltd recognises and values individual differences, adapting support to meet cultural, religious, and personal needs.

Human Rights: Humbercare Ltd respects the fundamental rights of all individuals and support is delivered in a safe way that respects privacy, dignity, autonomy, and freedom from abuse or degrading treatment.

Inclusion: The services delivered by Humbercare Ltd are accessible to all, with reasonable adjustments made where necessary to remove barriers. Information is provided in accessible formats to meet individual communication needs.

Person-Centred Care: Individual preferences, choices, and needs are central to service planning, delivery, and review.

Safeguarding: Vulnerable adults are protected from harm and their rights promoted, in line with safeguarding legislation and CQC standards.

Data Protection: Personal information is collected, stored, shared, and disposed of lawfully and securely, following the UK GDPR, the Data Protection Act 2018, and information standards.

Compliance is monitored through audits, staff training, and regular policy reviews, with corrective action taken promptly when needed.

4.4 Actions and decisions that affect Service Users are compliant with relevant human rights law, that is, the Human Rights Act 1998, the Equality Act 2010, and, where Service Users aged 16 or over may lack mental capacity, the Mental Capacity Act 2005.

4.5 Person-Centred Care

Care Plans demonstrate the importance that Humbercare Limited gives to protecting the human rights of Service Users, by being clearly person-centred and celebrating uniqueness in their approach, and reflecting a real commitment to people's rights to live as they choose.

4.6 Reasonable Adjustments

Where Service Users require reasonable adjustments under the Equality Act 2010, Humbercare Ltd will ensure these are reviewed on an individual basis and detailed within the Service User's Care Plan.

4.7 Tailored support and Individual Rights

Humbercare Limited is committed to identifying and removing any 'blanket rules' governing how Service Users live, demonstrating this by person-centred planning that enables, for example, specific religious or cultural practices that are important to an individual.

4.8 The Importance of Communities

Humbercare Ltd operates a continuous commitment to equal opportunities, diversity and human rights by proactively ensuring that Service Users have access to, and engagement with, their communities, health providers and other important professionals, coordinated around each Service User.

Humbercare Ltd recognises the importance of providing opportunities for Service Users to connect with their relatable community.



4.9 Protected Characteristics

Humbercare Ltd recognises that everyone is different and wants to make sure its service practices respect, promote and celebrate these differences. It will not tolerate unlawful discrimination, victimisation, bullying or harassment of any kind and this includes the protected characteristics outlined in the Equality Act 2010:

- Age
- Disability
- Gender reassignment or self-identification
- Marriage and civil partnership
- Pregnancy and maternity
- Race (this includes ethnic or national origins, colour or nationality)
- Religion or belief (this includes lack of belief)
- Sex (male and female)
- Sexual orientation

4.10 Partnership/Co-production Working

Humbercare Ltd provides its support to support each Service User to live the life they choose. In order to ensure that this is successful and meaningful, this means a transparent working partnership/co-production with Service Users, families, legal representatives and other professionals to ensure the best individual outcomes for each Service User.



5. Procedure

5.1 Humbercare Ltd recognises that good quality care and support must respect and protect the human rights of Service Users.

'Care that respects people's rights is good care – we call this **'rights-respecting care'**. Where there is good care there are **'rights-respecting cultures'**, but where there is poor care, the opposite is true, and we can describe these as **'rights-rejecting cultures'** (CQC, 2023).

Humbercare Ltd seeks, therefore, to uphold dignity, choice, equality, and autonomy in all aspects of care, and actively promotes a culture where human rights are understood, embedded in practice, and consistently safeguarded.

Humbercare Ltd understands that people's human rights need particular protection when they are most dependent on others for their basic needs:

'Our human rights need protecting most when we feel the least powerful and are relying on others for our basic needs – including when we are using health and care services' (CQC, 2023).

5.2 Humbercare Ltd provides all Service User support using a person-centred approach, respecting the individual needs, wishes and capabilities of the Service User and promoting their human rights.

This is reflected in the company values that support an open and transparent culture, which is dedicated to cultivating rights-respected, person-centred care and support.



5.3 Preventing Discrimination and Promoting Fairness

Humbercare Ltd ensures equality and fairness in the following ways:

Service Delivery

- support is tailored to meet individual needs, respecting differences in age, gender, race, religion, sexual orientation, disability, or other protected characteristics
- Any form of harassment, bullying, or discriminatory behaviour is not tolerated

Policies and Procedures

- Clear policies outline expectations for staff behaviour, complaints, and safeguarding, ensuring fair treatment for all Service Users and staff

Recruitment and Employment

- Job advertisements, recruitment, and promotion processes are free from bias
- Decisions are based solely on skills, experience, and suitability for the role

Training and Development

- All staff receive regular training on equality, diversity, and human rights
- Staff are supported to understand and respect protected characteristics in their work

Monitoring and Feedback

- Equality and diversity are monitored through audits, feedback, and complaints to identify and address any inequalities
- Service Users and staff are encouraged to report concerns, which are acted upon promptly

5.4 Understanding and Respecting Needs

Humbercare Ltd is committed to understanding and respecting the personal, cultural, social, and religious needs of all Service Users.

Assessing Needs

- Staff assess each Service User's personal preferences, cultural practices, social interests, and religious beliefs as part of care and support planning
- Information is recorded in Care Plans and regularly reviewed to reflect any changes

Delivering Care Respectfully

- Care and support are tailored to individual needs, respecting personal, cultural, and religious preferences
- Staff consider these needs when interacting, providing daily care, meals, activities, and end-of-life support

Staff Training and Awareness

- All staff receive training on cultural competence, diversity, and person-centred care (see 5.8)
- Staff are encouraged to ask and listen to Service Users to ensure care aligns with their values and preferences

Continuous Review

- Feedback from Service Users, their families and representatives, and staff is actively sought to ensure needs are met and respected
- Adjustments are made promptly when new needs are identified or preferences change



5.5 Reasonable Adjustments

Humbercare Ltd is committed to ensuring that people with disabilities can access and use its services on an equal basis with others.

As part of the Care Plan process, reasonable adjustments are considered for all Service Users and documented within their individual Care Plan.

Identifying Needs

- Individual needs are assessed prior to, and on admission, and throughout service provision, to determine any adjustments required
- Staff are trained to recognise physical, sensory, communication, and cognitive barriers and respond to specific accessibility and communication needs
- Any identified need for reasonable adjustments is discussed with Mrs Dale Thompson and recorded in the Care Plan
- Needs are recorded in the individual Care Plan and communicated to relevant staff

Making Reasonable Adjustments

Humbercare Ltd ensures that reasonable adjustments are made to allow Service Users to access and use services equally, including:

Physical Access

Through provision of:

- Ramps
- Handrails
- Accessible toilets
- Appropriate signage
- Appropriate furniture arrangements

Communication

Through provision of:

- Large print
- Braille
- Easy-read documents
- Hearing loops
- Interpreters
- Advocacy support

Technology

Humbercare Ltd ensures Service User access, as required, to user-friendly, accessible:

- **Telephone systems** with large buttons, clear displays, and good sound quality, with adjustable volume. Speed-dial and one-touch call options are available where needed. Staff support and alternative methods of communication are offered for those who cannot use standard telephones
- **Alternative methods of communication** are offered for those who cannot use standard phones, such as video calls with staff support, written communication, text messaging, email, use of communication aids
- **Websites and digital services** are designed to be simple, intuitive, and easy to navigate, using plain language and clear layouts. Text size, contrast, and display



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settings can be adjusted to support people with visual impairment

- **Call systems** (where applicable) - are clearly labelled, easy to reach, and simple to activate, requiring minimal physical effort. Systems provide clear visual and/or audible confirmation that a call has been made
- Staff ensure Service Users understand how to use any Telecare/nurse call systems, and regularly check that these continue to meet their needs
- Feedback mechanisms are in place to identify and resolve accessibility issues

Examples of Adjustments:

- Providing enlarged or easy-read Care Plans and service information
- Installing text phones or hearing loop devices for telephone communication
- Adjusting times, locations, or consultation formats to suit individual needs
- Offering online services with accessible interfaces that are compatible with screen readers and other assistive technologies
- Arranging for an advocate or communication support to assist Service Users in understanding and making decisions about their care and support

Review and Monitoring

Reasonable adjustments are regularly reviewed and updated based on feedback from Service Users, their families, representatives or advocates, and staff.

All actions in relation to reasonable adjustments are clearly documented within the care planning process.

Adjustments are monitored to ensure they remain effective, practical, and continue to meet the individual's needs.

Considerations when Implementing Adjustments

When deciding whether an adjustment is reasonable, Humbercare Ltd will consider:

- How effective the adjustment will be in removing or reducing any disadvantage
- Practicality and feasibility of implementation
- Associated costs and resource implications
- The size, structure, and resources of Humbercare Ltd
- Availability of financial or other support to facilitate the adjustment

5.6 Accessible Information Standard

Humbercare Ltd recognises the importance of sharing information in a way that is accessible and that people understand.

- Humbercare Ltd ensures that, as part of each Service User's Care Plan, their communication needs are assessed and discussed. Staff can refer to the Accessible Information Standard (AIS) Policy and Procedure for further detail
- Humbercare Ltd takes a proactive approach and ensures that there are consistent methods in place for identifying, recording, flagging, sharing, meeting and reviewing the information and communication support needs of Service Users and carers as well as any changing needs
- Staff are trained in the Accessible Information Standard through induction, the Care Certificate, in-house training and continual learning in relation to communication. This will form part of supervisions and appraisals and is continually monitored via the compliance process at Humbercare Ltd



For more information, please refer to the Accessible Information Standard (AIS) Policy and Procedure and Supporting Communication and Sensory Needs Policy and Procedure at Humbercare Ltd.

5.7 Information Sharing and Management

Sharing Information:

- Information about Service Users is shared only when necessary to provide safe, effective care and support or when required by law
- Sharing is limited to relevant staff, services, or providers involved in supporting the Service User
- All information sharing respects confidentiality and data protection legislation (UK GDPR, Data Protection Act 2018)

Consent:

- Consent is obtained from Service Users before information is shared, wherever possible
- If Service Users lack capacity, information may be shared in their best interests, in line with the Mental Capacity Act 2005
- Staff record decisions about consent and any restrictions on information sharing

Recording Information:

- Accurate, complete, and up-to-date records are maintained for all Service Users
- Records include assessments, Care Plans, communications, and any decisions affecting the Service User's care and support
- All records are stored securely, with access limited to authorised staff

Monitoring and Review:

- Information sharing practices are regularly reviewed to ensure compliance with legislation, best practice, and in line with the policies of Humbercare Ltd
- Staff are trained in data protection, confidentiality, and the correct procedures for sharing information (see 5.8)

5.8 Staff Training, Assessment, and Reinforcement

Training

Humbercare Ltd places significant value in training staff to ensure that they understand the principles and practices of equality, diversity, and human rights.

- All staff receive induction training on the Equality, Diversity, and Human Rights Policy and associated procedures

Staff are provided with induction and ongoing training, including:

- Principles of equality, diversity, and inclusion
- Human rights and dignity in care
- Cultural competence and bias training
- Anti-discrimination, bullying, and harassment
- Reasonable adjustments and accessibility requirements
- Relevant legislation, including the Equality Act 2010, Human Rights Act 1998, and Mental Capacity Act 2005
- Acceptable behaviour

Assessment

Understanding is assessed through:

- Supervision and reflective discussions with line managers



- Knowledge checks (e.g. post-training questionnaires, case studies, scenario-based exercises)
- Observation of practice during day-to-day care delivery
- Reflection logs
- Performance review
- Peer review
- Refresher training
- Team discussions
- Feedback mechanisms

These assessment methods help reinforce learning and contribute to the consistent application of the principles of equality, diversity, and human rights.

Reinforcement:

- Refresher training is provided regularly and when policies are updated
- Staff meetings and supervision sessions reinforce key principles and allow discussion of practical scenarios
- Performance reviews include assessment of adherence to equality, diversity, and human rights standards
- Feedback mechanisms allow staff to ask questions and raise concerns about policy implementation

5.9 Addressing Unacceptable Behaviour

Humbercare Ltd is committed to promoting a safe, respectful, and inclusive environment for all Service Users, staff and visitors. Unacceptable behaviour, including bullying, harassment, intimidation, or discrimination, will not be tolerated.

Reporting and Procedures:

- Any incidents of unacceptable behaviour should be promptly raised with a line manager, supervisor, or Mrs Dale Thompson
- Reports can be made verbally or in writing, and staff are encouraged to report concerns without fear of reprisal
- All reports will be investigated thoroughly, confidentially, and in a timely manner
- Appropriate action will be taken following investigation, which may include mediation, formal warnings, disciplinary action, or safeguarding procedures if required

Training and Awareness:

- All staff receive training on recognising bullying, harassment, and other unacceptable behaviour
- Training includes guidance on how to respond to, and report, incidents, and the responsibilities of each member of staff to uphold a respectful, rights-respecting culture
- Refresher training is provided regularly to ensure awareness and understanding of organisational expectations and is recorded on the training matrix

Monitoring and Review:

- Incidents of unacceptable behaviour are recorded and monitored to identify trends and inform improvements in practice
- Feedback from staff, Service Users and stakeholders is used to continuously strengthen policies and procedures



5.10 Article 1 - The right to peaceful enjoyment of possessions

Humbercare Ltd must ensure all staff approach service delivery with the utmost respect for Service Users' property and possessions, as 'working guests', there to support Service Users to live and enjoy their lives in the way that they choose.

Staff do not touch, move or use Service Users' belongings without their knowledge and consent, unless there is an immediate risk to safety.

Staff knock and wait for permission before entering private spaces, and explain the reason for their visit. Service Users retain control over their personal property, including clothing, money and meaningful items, and are supported to manage these independently where possible, or with appropriate, personalised support. Any temporary handling of belongings for safety or care purposes is proportionate, clearly explained, and kept to a minimum.

5.11 Article 2 - Right to life

Everyone has the right to life. Humbercare Ltd takes reasonable steps to protect and maintain the Service User's life except in circumstances where it is reaching its inevitable and natural close.

Humbercare Ltd has clear policies and procedures on supporting each Service User's end of life wishes and their support provision, which includes:

- Advance decisions to refuse treatment
- Powers given by the Service User by way of lasting power of attorney for health and welfare to a trusted relative or friend, to consent to, or refuse, life-sustaining treatment in the person's best interests, and
- 'Do Not Attempt Cardiopulmonary Resuscitation' (DNACPR) recommendations

Please see the Advance Decisions to Refuse Treatment and Advance Statements Policy and Procedure at Humbercare Ltd for further information.

5.12 Article 3 - Freedom from torture and inhuman or degrading treatment

This right underpins all support commitments. It is essential that the right to protection from torture and inhumane and degrading treatment must **never** be breached.

Staff receive formal training on how to deliver respectful support that enhances Service Users' dignity. Formal training is reinforced on a daily basis by adhering to the company values, as well as being a focus in team meetings and supervision. Examples of breaches of Article 3 are:

- Physical or mental abuse, including but not limited to the following examples:
 - Failure to promptly, sensitively, and discreetly address the physical and emotional impacts of incontinence, including offering timely assistance with personal hygiene, replacing wet/soiled clothing or bedding, and providing reassurance in a respectful, non-judgemental manner that upholds Service User dignity
 - Not assisting the Service User to eat or drink, when they are no longer independent to do so
 - Any disproportionate, unnecessary or inappropriate force to restrain Service Users
 - Carrying out support tasks, such as assisting Service Users to wash and dress, without full and ongoing regard to their feelings, individuality, self-esteem and dignity



5.13 Article 5 - Right to liberty

Everyone has the right to liberty. Humbercare Ltd ensures that the principles of the Mental Capacity Act (MCA) 2005 are followed and that Service Users receive support in the least restrictive way.

Humbercare Ltd promotes empowerment and independence and supports Service Users' decisions to live their lives in the way they choose. Examples of ways this is achieved include (but are not limited to):

- Supporting choice and control over daily routines, including when to get up, go to bed, take meals, and engage in activities
- Supporting Service Users to make choices that matter to them while managing risks in a proportionate, person-centred way, and recognising that positive risk is part of living a meaningful life
- Supporting freedom of movement, enabling Service Users to move around and access outdoor spaces freely (unless there is a lawful, individually assessed reason to restrict this)
- Supporting Service Users to leave the service, go for walks, attend appointments, visit family or participate in community activities, with supports where required

Please see the applicable Deprivation of Liberty Safeguards (DoLS) Policy and Procedure for Humbercare Ltd and the Mental Capacity Act (MCA) 2005 Policy and Procedure at Humbercare Ltd for further information.

5.14 Article 8 - Right to respect for private and family life

Humbercare Ltd will ensure:

- Contact with family and people important to Service Users is supported
- Personal choices, routines, beliefs, and identity are respected
- Privacy during personal care is respected
- Personal and health information is kept confidential
- Service Users' personal belongings are treated with respect, reflecting their personal tastes and choices

Service Users' rights to maintain contact with their families and friends are supported and never breached, except where this is unavoidable to protect the health of the Service User or others.

Except as restricted for public health reasons, rights to a private and family life are proactively respected and enabled, for example, by providing privacy and a pleasant environment for visits, and respecting the Service User's right to sexual and other relationships.

It is the right of the Service User to make their own decisions about the level of contact, if any, with their personal network where they have capacity to do so.

Where the Service User lacks capacity to decide about contact with their personal network, any decision will be made in accordance with the Mental Capacity Act 2005 and in their best interests. This will include consideration of the Service User's past and present wishes, beliefs and values, and consultation with relevant family members, friends, advocates and professionals.

Where restricting contact with a relative or friend is being considered, (for example, where a safeguarding concern exists) the decision will be made in accordance with safeguarding procedures, the Mental Capacity Act 2005 and the Service User's rights under the Human Rights Act 1998, ensuring any restriction is necessary, proportionate and the least



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restrictive option. Humbercare Ltd will not make blanket or restrictive decisions lightly, but will seek legal advice, and court authorisation where required, before any such decision is implemented.

5.15 Article 8 - CCTV

Article 8 - Monitoring by CCTV or other surveillance techniques may breach Article 8 (rights to privacy). The use of such recordings will adhere to the CQC guidance on surveillance which can be located [here](#).

Clear, visible signage is displayed at entrances and within the service to inform Service Users, staff and visitors that CCTV is in use.

Signage explains:

- That CCTV is operating
- The purpose (i.e. safety and security)
- Who is responsible for the system

Humbercare Ltd never uses CCTV in private areas such as bedrooms, bathrooms or toilets, unless exceptional and lawful circumstances apply (with explicit consent and best interest decision-making).

Use of CCTV complies with:

- UK GDPR
- The Data Protection Act 2018

Access to footage is:

- Restricted
- Logged
- Time-limited

Footage is retained only for a defined period and then securely deleted.

Further information is available in the CCTV and Use of Hidden Cameras Policy and Procedure.

5.16 Article 9 – Freedom of thought, conscience and religion

Humbercare Ltd respects the right of every Service User to hold and practise their own beliefs, thoughts, and religion.

Staff will support Service Users to observe religious or spiritual practices, including dietary requirements, dress, worship, and participation in cultural or faith-based activities, in a manner that is safe, inclusive, and person-centred.

5.17 Article 10 – Freedom of expression

Humbercare Ltd recognises the right of individuals to express their opinions, preferences, and personal identity freely. Staff encourage open communication, which involves listening to, and valuing, Service Users' views, while ensuring that expression is exercised respectfully and without causing distress to others.

5.18 Article 14 - The right to be free from discrimination

Humbercare Ltd promotes opportunities for all and provides support in a non-discriminatory manner, respecting and treating everyone as unique.

This is achieved through a person-centred approach, including:



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- Having in place Care Plans and support tailored to individual preferences, culture, and abilities
- Supporting Service Users to access activities and services equally, with adjustments to remove barriers made where needed

5.19 Record Keeping

Humbercare Ltd uses a digital record keeping system which enables it to share appropriate information with other services and professionals (with consent) efficiently.

Humbercare Ltd has rigorous record-keeping protocols which ensure that daily care notes are accurate, transparent and reflect the bespoke, person-centred support provided in real time. Daily care notes for each visit are recorded for each Service User, which outline the person-centred support delivered.

Humbercare Ltd is able to share records appropriately (with consent) with other professionals as and when necessary to ensure the best interests of each Service User. There is also a clear ethos of partnership working throughout the organisation. For more information on when to share information with others, staff can refer to the suite of data protection and UK GDPR policies and procedures.

Staff can also refer to the Cooperating with Other Providers Policy and Procedure, Record Keeping Policy and Procedure and Consent Authorisation Policy and Procedure for more detailed information on these areas.

5.20 Challenging Discrimination, Bullying and Harassment

As part of formal training, all staff will receive an education on the following topics:

- Equality, Diversity and Inclusion
- Safeguarding Adults
- Whistleblowing
- Bullying and Harassment

Humbercare Ltd ensures that staff have a clear understanding and sound knowledge base for recognising the traits of discrimination and abuse and what to do about it.

Staff must follow the procedure outlined in the Raising Concerns, Freedom to Speak Up and Whistleblowing Policy and Procedure. Concerns must be raised promptly, and support sought from the Registered Manager immediately.

To help prevent inadvertent discrimination and minimise bias, training will also be provided to ensure staff understand Service Users' personal, cultural, social, spiritual, and religious needs, including how these may influence their support.

Staff will receive training on recognising and addressing both conscious and unconscious bias, to ensure that all Service Users are treated fairly and equitably, and that care and support decisions are made without prejudice.

Staff will be guided on how to take Service Users' individual needs and preferences into account, and how to accurately record and appropriately share this information with other services or providers involved in their care.

5.21 Partnership/Co-production Working

- Humbercare Ltd works in partnership/co-production with Service Users, families, advocates, commissioners, and external professionals to promote equality, protect human rights, and improve the quality and accessibility of care and support



- Partnership working supports shared decision-making, timely information sharing (with appropriate consent), coordinated support planning, and access to specialist advice and support
- Feedback from partners is used to inform service development, ensure reasonable adjustments are effective, and promote a rights-respecting culture

5.22 Review and Update

Humbercare Ltd will regularly review and update equality, diversity, and human rights practices to ensure ongoing compliance with current legislation, regulatory requirements, and best practice guidance.

Reviews will take place at least annually, or sooner where changes in law, guidance, or service delivery occur. Review will be a structured process that includes monitoring legislation and regulatory guidance, reviewing incident reports, complaints, safeguarding concerns, and audit findings, and analysing feedback from Service Users and staff.

Feedback from Service Users, their families, representatives and staff will be actively sought and used to inform improvements, ensuring that the policy remains effective, relevant, and embedded in everyday practice.

Feedback will be gathered through:

- Surveys
- Suggestion boxes
- Digital feedback tools
- Service User, family and staff meetings
- Complaints, compliments, and comments processes
- Incident and safeguarding reviews
- Audits and quality monitoring activities
- Direct observation of staff practice
- Staff supervision

Findings from reviews will be discussed by senior management, actions agreed, and changes implemented where required.

Updates to practice will be communicated to staff through training, supervision, and policy updates to ensure continuous improvement and compliance.



6. Definitions

6.1 Mental Capacity Act 2005 (MCA)

- In England and Wales, the MCA defines capacity as the ability to make a specific decision at the time it needs to be made
- Everyone aged 16 or over is presumed to have this capacity unless there are reasons to question it, in which case the person's capacity should be assessed in the way described in the MCA and its code of practice
- The MCA balances the rights of Service Users to live as they choose, express their wishes and make their own decisions as long as they are not harming others,



against the requirement to protect people who lack mental capacity, by finding the least restrictive options to meet identified needs in the best interests of the person

6.2 'Acid Test' for Identifying Deprivation of Liberty

- It can be lawful under human rights and mental capacity law to deprive a person aged 16 and over of their liberty in order to give them necessary care or treatment, provided that the person lacks capacity to consent to the necessary arrangements to give them such care or treatment, and that this is authorised. The 'acid test' clarifies that a person lacking capacity to consent to arrangements to give them necessary care or treatment is deprived of their liberty if they are both:
 - Not free to leave (meaning, even though they may go out accompanied, they must return) and
 - Under continuous supervision and control (meaning, that staff always know approximately where they are and what they are doing)
- This relates to Article 5 in health and care settings

6.3 Human Rights Act 1998: Article 8

- Everyone has the right to live as they choose, and for the State not to interfere in their private life
- This includes the right to have contact with relatives and friends and to have privacy during those contacts, whether face to face, by letter, phone, or over the internet
- These rights can be breached if the breach is necessary and proportionate to prevent harm to the person or to protect public health, for example, by preventing the spread of infection.
- However, in health and social care settings, interference with this right should usually be extremely rare, and always proportionate to the risk and likelihood of harm if no action is taken
- Where it is unavoidable, the effects on the person must be recognised and mitigated as far as possible

6.4 Human Rights Protected by the Human Rights Act

- Human rights are the basic rights and freedoms that belong to every person in the world. In the UK, human rights are protected by the Human Rights Act 1998
- The Human Rights Act 1998 incorporates into UK law the European Convention on Human Rights, and makes it unlawful for a public body, or anyone acting on behalf of a public body, to behave in a way that is incompatible with the Convention. The rights most likely to be relevant in health and social care are Article 3, Article 5, and Article 8. All the rights protected by the Convention are listed below, with some of their implications for adult social care
- **Article 2** (Article 1 is just the preamble): **The right to life.** 'Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally, save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law'.
 - Note that this makes so-called 'mercy killing' unlawful, though it is lawful and good practice sometimes to recognise when treatment should be withdrawn or not started in circumstances when it would lead to pain or distress without prolonging life
 - In addition, any adult can lawfully make advance decisions to refuse treatment under the Mental Capacity Act; these will then apply when the person has lost capacity to make their own decision to accept or refuse treatment
- **Article 3: The complete prohibition of torture under any circumstances.** 'No one shall be subjected to torture or to inhuman or degrading treatment or



punishment'

- It is a tragic fact that some so-called 'care' can include inhuman or degrading treatment or punishment; there is no place for this in care services, and any tendency, however slight, to bully, punish or degrade Service Users must be rooted out
- **Article 4: Prohibition of slavery and forced labour**
 - 'No one shall be held in slavery or servitude
 - No one shall be required to perform forced or compulsory labour'
- This is now strengthened by the Modern Slavery Act 2015, which forbids slavery or forced labour, and includes trafficking. Humbercare Limited must ensure that it is not, even unwittingly, employing people who do not enjoy the rights available to other staff due to being trafficked or forced to pass on their pay to a trafficker
- **Article 5: Right to liberty and security of person.** This is not an absolute right but no one shall be deprived of his liberty except in certain circumstances, which includes Article 5(1)(e) - 'the lawful detention of persons...of unsound mind'. If someone is to be deprived of their liberty, it must be 'in accordance with a procedure laid down in law' and Article 5(4) - 'Everyone who is deprived of his liberty...shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful'
 - This is why the deprivation of liberty safeguards (DoLS) were created, to ensure there is a framework to protect people lacking capacity. Before DoLS, this vulnerable group of people could be deprived of their liberty on the say-so of a doctor, for example, without any clear way of asking a court whether this was legal or not. DoLS can only be used in hospitals and care homes, to protect the rights of people aged 18 and over, who lack capacity to make relevant decisions
 - The Article 5 rights of people who lack capacity in community settings (such as supported living or shared lives) or in their own homes, or of young people aged 16 or 17 in any setting, who are deprived of their liberty in their best interests, can at this time only be protected by application to the Court of Protection. This is usually arranged by the commissioner or the Local Authority
- **Article 6: Right to a fair trial.** This includes being presumed innocent until there is evidence of guilt
- **Article 7: No punishment without law.** Nobody can be found guilty of something which was not a crime at the time it was committed
- **Article 9: Freedom of thought, conscience and religion.** This is not an absolute right but can only be limited when necessary in a democracy, 'in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.' It includes the right to decide to change one's religion
- **Article 10: Freedom of expression.** This is not an absolute right and carries with it duties and responsibilities. It can be limited, where necessary, in a democracy, in a range of circumstances, including 'for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the reputation or rights of others'
- **Article 11: Freedom of peaceful assembly with others.** This is the right to meet up with other people and, for example, join a trade union. This is not an absolute right, and can be limited, where necessary in a democracy, for public safety or protection or the prevention of disorder or crime, for the protection of health or



morals, or for the protection of the rights of others. States have the right to restrict this right among armed forces, the police, and other areas of public administration

- **Article 12: The right to marry.** Men and women of marriageable age can marry and found a family in accordance with national laws. Together with Article 8, this protects the rights of people with learning disabilities who have the capacity to consent to marriage, to enter into a marriage and have children
- **Article 14: Prohibition of discrimination.** This is an absolute right. 'The enjoyment of the rights and freedoms set forth in this convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.' This phrase 'other status' includes people choosing to express a different gender identity from the one they had at birth, or living with certain diagnoses (such as dementia or learning disability), or lacking mental capacity to make their own decisions, and highlights that human rights are for everyone

6.5 Convention on the Rights of Persons with Disabilities (CRPD)

- The UK is a signatory to the CRPD, and bound to work within it
- The CRPD aims to wipe out all discrimination and barriers to inclusion that face people with disabilities. This means the UK must develop and carry out policies and laws that secure the rights recognised in the Human Rights Act 1998, and abolish laws, regulations, customs and practices that constitute discrimination (Article 4)
- The UK is also committed to combatting stereotypes and prejudices, and promoting awareness of the capabilities of people with disabilities (Article 8)
- The CRPD demands guarantees that people with disabilities enjoy their inherent right to life on an equal basis with others (Article 10), ensures the equal rights and advancement of women and girls with disabilities (Article 6) and protects children with disabilities (Article 7)

6.6 Deprivation of Liberty Safeguards (DoLS)

- Deprivation of Liberty Safeguards (DoLS) are the legal protections under the Mental Capacity Act 2005 that apply where a person lacks capacity to consent to their care or treatment arrangements and those arrangements amount to a deprivation of their liberty, as defined by the Supreme Court "acid test"
- In residential and nursing homes, deprivation of liberty is authorised under the DoLS framework by the relevant Supervisory Body
- In community settings, including domiciliary care and supported living, any deprivation of liberty must be authorised by the Court of Protection
- Any restrictions must be necessary, proportionate, and the least restrictive option, and individuals and their representatives must be supported to understand and exercise their rights

6.7 The Equality Act 2010

- This Act makes it unlawful to discriminate against people, both in the workplace and in wider society
- It combines several earlier pieces of legislation, such as the Sex Discrimination Act 1975, the Race Relations Act 1976, and the Disability Discrimination Act 1995
- 'Protected Characteristics', that people must not be subjected to discrimination on the basis of, are laid out in Section 4. They are:
 - Age
 - Disability
 - Gender reassignment



- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

6.8 Equality

- The Equality and Human Rights Commission defines 'equality' as 'ensuring that every individual has an equal opportunity to make the most of their lives and talents and believing that no one should have poorer life chances because of where, what or to whom they were born or because of other characteristics'

6.9 Reasonable Adjustment

- As part of the Equality Act 2010, Humbercare Ltd must ensure reasonable adjustments are in place to meet the needs of disabled people where required
- Examples of reasonable adjustments include
 - Making a building or environment accessible for a disabled person, such as ramps and technological aids
 - Providing information in a format that supports the person, for example, audio, large print or offering clear written information
 - Adjusting the timing of meetings to a time of day that suits the person, such as a Care Plan review in the afternoon rather than the morning
 - Arranging for an advocate to support the Service User where required



7. Key Facts - Professionals

Professionals providing this service should be aware of the following:

- The Human Rights Act 1998, and, where relevant, the Mental Capacity Act 2005, provide the essential framework for decisions and actions in health and social care
- Rights can be absolute (such as Article 3, the complete prohibition of inhuman or degrading treatment) or qualified (such as Article 5, the right to liberty, and Article 8, the right to a private and family life) but are the starting point for good care and support
- The Mental Capacity Act 2005 and its code of practice provide detailed guidance on human rights for people who lack mental capacity
- Any breach of a person's human rights is a serious matter and all attempts must be made to avoid it or minimise its extent and effects on the person
- We all have assumptions and attitudes that can influence our decisions and interactions without us realising it. Awareness of bias is essential to ensure fair, respectful, and equitable care and support for all Service Users



8. Key Facts - People Affected by The Service



People affected by this service should be aware of the following:

- You can expect to receive indiscriminate support that reflects your unique needs
- You have the right to equal access to services and support, including reasonable adjustments if you have a disability
- You have the right to practise your beliefs and make choices about your support in line with them
- You have legal rights under the Human Rights Act 1998 and, where relevant, the Mental Capacity Act 2005
- You have the right to raise concerns, complaints, or safeguarding issues without fear of reprisal
- Any interference by a public authority (or anyone commissioned by it) in someone's rights must be the least restrictive option that can be found and can be challenged in court
- Some rights can never be taken away or lessened; these include a person's right never to be tortured or treated in a way that is degrading or inhuman. This is explained in the Human Rights Act, Article 3
- Some rights can be restricted, but only if it is in your best interests (or those of your relatives or friends who receive services) or to protect public health. These are your rights to liberty (Article 5) and your right to live as you choose, including free contact with those you care about (Article 8)
- Any restrictions on your liberty or support must be lawful, proportionate, and in your best interests, and can be challenged if necessary



Further Reading

Skills for Care - The Care Certificate Standard 4 - Equality and Diversity

<https://www.skillsforcare.org.uk/resources/documents/Developing-your-workforce/Care-Certificate/Care-Certificate-Standards/Standard-4.pdf>

Healthwatch - The Updated Accessible Information Standard is Now Available:

<https://www.healthwatch.co.uk/news/2025-07-18/updated-accessible-information-standard-now-available>



Outstanding Practice

To be "outstanding" in this policy area you could provide evidence that:

- Service Users' human rights, dignity, and autonomy are central to all care and support. Staff actively promote a rights-respecting culture
- All Service Users are treated fairly and equitably, with reasonable adjustments made to ensure equal access to services
- Information, communication, and digital services are accessible and easy to use, supporting inclusion for all



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- There is a clear approach to partnership working with other professionals and as part of a multidisciplinary team to create the best outcomes for the Service User
- Feedback from Service Users, families, and staff is actively gathered, acted upon, and used to improve equality, diversity, and rights practices
- Human rights values are central to all decisions made for, or on behalf of, Service Users who lack capacity to make decisions for themselves. Every practicable effort is made to support the individual to make the decision before any decision is made on their behalf
- Staff know about, and can discuss, the human rights that are at risk of being breached in health and social care
- Staff receive training on unconscious bias and reflect on their own assumptions to ensure decision-making and interactions are fair and impartial
- The Service User's rights are always discussed in team meetings and individual supervision, and evidenced by recording evidence of creative, person-centred planning
- Whenever Care Plans are reviewed, records show a proactive search for ways to enhance and promote the rights of individuals to live as they wish
- Care Plans show that human rights are always considered in finding the least restrictive option for meeting an identified need, and this is evidenced by direct quotes from the person or those who care for them
- Decisions affecting Service Users' contact, freedom, or rights follow the Mental Capacity Act 2005, safeguarding procedures, and human rights principles, with legal advice sought as required
- The wide understanding of the policy is enabled by proactive use of the QCS App

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