

# Our updated human rights approach

## Bringing humanity into action

As the regulator, our role is to make sure people have safe, high-quality care. Care that does not respect and promote human rights is neither safe nor high-quality.

We have reviewed and updated our human rights approach as we move forward with our new approach to regulation. A focus on human rights ensures people receive good care and helps us fulfil our duties and purpose by meeting our legal obligations made under the Health and Social Care Act 2008. It helps us prevent failures in care that are usually related to risks to human rights.

Failures in human rights vary – from individual infringements to large-scale institutional and more structural systemic failures. The shocking examples of human rights abuses at [Winterbourne View](#), [Mid Staffordshire](#), [Whorlton Hall](#) and [Edenfield Centre](#) demonstrate unacceptable failures in care with profound and significant effects on people's lives. These examples show the ongoing potential for human rights abuses within health and care which must be prevented wherever possible. Ensuring that people who use health and care services have their fundamental rights respected and upheld is a priority for us as regulator, for providers and commissioners and of course for staff in the delivery of care.

When we refer to the general scope of human rights in our approach, we are describing human rights-related risks and issues rather than formal legal thresholds for human rights breaches.

When people tell us about what is important in their care, issues of human rights feature strongly – such as dignity, respect and fairness, although people rarely use the formal language of human rights.

In reviewing our approach to human rights in our regulatory work, we used published research and learning in this area. We also engaged with people who use services, their carers, advocacy organisations, providers of health and social care, experts on human rights and senior leaders and inspectors in CQC. Feedback about people's priorities in relation to human rights is valuable in improving our regulatory approach. Common themes included:

- having access to respectful and dignified care where their needs are fully understood and supported, particularly for those most likely to have a poorer experience of care.
- being cared for in ways where restrictive practices are used only as a last resort, for example when there is no other option to keep people safe.
- having conflicting rights balanced and considered appropriately, especially in terms of positive risk taking.
- the rights of staff and how staff are supported.

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'**.

It's important to talk about human rights in the right way, as people's understanding varies and is often linked to issues such as crime, citizenship and migration rather than health and care. People's rights are complex, particularly when one right is directly in conflict with another. It is therefore important that we acknowledge and talk about these issues.

We want our updated approach to improve the understanding of human rights. This includes people who use services, commissioners, providers and their staff and colleagues in CQC. We want them to recognise their roles more clearly so that human rights are fundamentally linked to delivering safe and good quality care.

Conversations about human rights issues in health and social care settings should be commonplace. When we are all confident in describing and naming fundamental human rights, we can effectively challenge discrimination, inequality and the inherent power dynamics that work to undermine people's rights.

As a human rights-focused regulator, we want our new regulatory approach to be a driving force in improving, promoting and protecting the human rights of people who use health and care services.

To do this, we will use the appropriate legal frameworks to address human rights issues that we find. We will use all the [Regulatory Impact Mechanisms](#) available to us, from sharing good practice to encourage improvement to enforcement action when necessary. We will promote learning and action on human rights.

This revised approach includes commitments to support this shift by laying out our overall approach to human rights and the opportunities available to us to make positive change.

It is our commitment to bringing humanity into action.