

HR 05

Ymchwiliad i hawliau dynol yng Nghymru

Inquiry into Human Rights in Wales

Ymateb gan: Bwrdd Iechyd Prifysgol Betsi Cadwaladr

Response from: Betsi Cadwaladr University Health

### **The impact of the UK's withdrawal from European Union on human rights protection in Wales**

*Human rights are the basic rights and freedoms that we hold in common. They underpin our way of life: in our homes, in our communities and in our use of public services, such as schools and hospitals. As a result, we should all be treated with dignity and respect in our everyday lives.*

**June Milligan, Wales Commissioner (Protecting human rights: Key challenges for the UK's third Universal Periodic Review, December 2016)**

The vote for the UK's withdrawal from the European Union has created a great deal of uncertainty; especially for the most disadvantaged and vulnerable people in our society and at a time when the health and care system is facing huge operational and financial pressures. The need to carefully consider the impact of Brexit on equality and human rights law going forward is fundamental to achieving our nation's vision of creating a fairer society for all.

These are difficult times for everyone, hate crime and identity-based violence have increased and it is vital that we continue to build a rights based culture where people are treated with fairness and respect and that the most marginalised in our society are protected. We recognise the impact of changes to the UK's social security system and the cumulative impact on different groups, including women and children and disabled people in particular. We recognise that access to civil justice has also become more difficult following changes to legal aid and employment tribunal fees have increased. Betsi Cadwaladr Health Board is committed to the protection, promotion and advancement of human rights.

### **The impact of the UK Government's proposal to repeal the Human Rights Act 1998 and replace it with a UK Bill of Rights, and**

*Human rights are woven into the Government of Wales Act 2006...equality is a core value of human rights, along with fairness, dignity and respect. These core values are clearly evident in the actions of the Strategic Equality Plan, demonstrating the close link being developed between equality and human rights. By achieving our Equality Objectives, we are also complying with our international human rights responsibilities, helping us to implement the rights contained in the United Nations Conventions and Covenants signed and ratified by the UK State party.*

**Welsh Government Strategic Equality Plan and Equality Objectives 2016–2020: Working Towards a Fairer Wales. (November 2016)**

The Welsh Governments equality objectives also strengthen the link with tackling poverty, and work on inclusion and community cohesion and contribute towards the achievement of the well-being goals within the Well-being of Future Generations (Wales) Act 2015, including a more equal Wales and a Wales of cohesive communities. Equality and rights are central to the work of the Welsh Government and our vision for Wales, and also form part of the Government of Wales Act 2006. A bill of rights would call into question the devolution settlements for Wales. In the case of Northern Ireland, the Convention is incorporated into the Good Friday Agreement, an international treaty. Under a UK Bill of rights, the law would be set by the UK parliament operating under the principle of parliamentary sovereignty. The ability to alter what constitutes a right would therefore ultimately rest with the current parliament of the time. The European Convention on Human Rights and the case law of the European Court of Human Rights would no longer be directly enforceable before domestic courts as a result. However, the UK would remain bound under international law by the Convention.

At BCU HB human rights principles resonate strongly with our organisations values, purpose, vision and strategic goals:

### **Values**

- Put Patients first
- Work together
- Value and respect each other
- Learn and innovate
- Communicate openly and honestly

### **Purpose**

- To improve health and deliver excellent care

### **Our Vision**

- We will improve the health of the population, with particular focus upon the most vulnerable in our society
- We will do this by developing an integrated health service which provides excellent care delivered in partnership with the public and other statutory and third sector organisations
- We will develop our workforce so that it has the right skills and operates in a research-rich learning culture

### **Strategic Goals**

- Improve health and wellbeing for all and reduce health inequalities
- Work in partnership to design and deliver more care closer to home
- Improve the safety and outcomes of care to match the NHS's best
- Respect individuals and maintain dignity and care
- Listen to and learn from the experiences of individuals

- Support, train and develop our staff to excel
- Use resources wisely, transforming services through innovation and research

Objectives for reducing health inequalities aligned to our equality priorities are set out in the health boards Strategic Equality and Human Rights Plan, which has been developed in partnership with stakeholders.

<http://www.wales.nhs.uk/sitesplus/documents/861/BCU%20HB%20SEP%20March%202016%20Final%20Version%20following%20SPP%20approval.pdf>

We are also required to demonstrate clearly how the health board will meet the duties associated with Welsh language, human rights and equality, set out in the NHS Wales Planning Framework 2017/20, in the development of our operational plan for the organisation.

<http://gov.wales/docs/dhss/publications/161013frameworken.pdf>

We recognise the value of adopting a human rights based approach in the development of our strategies as encouraged by the Older People's Commissioner for Wales (OPCfW) who said:

“Moving towards a rights based approach to service delivery in Wales is essential to ensure that the rights of older people can no longer be overlooked or ignored by those providing services. A rights based approach focuses on the rights and needs of an individual, moving away from the one-size-fits-all approach that is still too common in public service delivery. A rights based approach not only ensures that service design and delivery protects and promotes people's rights, but also makes rights more relevant to individuals, vital so that they can identify when their rights are not being upheld and challenge service providers”

**Sarah Rochira OPCfW.**

There is a raft of work ongoing at the health board in this regard; this includes a rights based approach to the development of the dementia strategy, current work to develop an integrated mental health strategy with partners and strengthening engagement with staff and service users.

We believe that the protections we all enjoy must not be weakened or move our country backwards. Human rights law is and should be seen as society's bedrock, providing protections from harm and obligations for further progress.

### **Public perceptions about human rights in Wales, in particular how understandable and relevant they are to Welsh people**

The Human Rights Act has improved people's lives. Adopting human rights based approach can help us work collaboratively with service users and partners to improve services locally. The Human Rights Act can empower people who are all too frequently disempowered and support them in receiving the dignified and respectful care everyone wants to see.

The values of being treated with dignity and respect, having freedom of expression, and being treated fairly are at the heart of public expectation however the public do not always associated this with human rights terminology. There is a close alignment

between the values that we all think are important for society and those which people identify as being fundamental rights: fairness, respect, equality, dignity and autonomy.

Our responsibility as a health board in Wales is to help translate what human rights law means for us all in our everyday lives as individuals, public sector workers or community groups and work to ensure that equality and human rights standards do not slip, regardless of the arrangements put in place for the UK's withdrawal from European Union.