



# Convention on the Rights of Residents in Care Homes for Adults and Older People



# Preamble:

The Convention seeks to provide a comprehensive statement to promote and protect the rights and inherent dignity of adults and older people in residential care. We believe the individual living in care and their family should receive full support and appropriate funding to exercise their human rights; to be involved in decision and policy making, to have the freedom to make their own choices and the support to be independent and equal members of society.

Following consultation, we hope the Convention will be endorsed by the Scottish Government, the Scottish Human Rights Commission and all parties involved in the planning, commissioning, regulation and delivery of care.

# Purpose:

We believe every person has the right to be treated with respect, dignity and without discrimination. These rights do not diminish when an individual moves into residential care regardless of his or her mental or physical condition. The purpose of this Convention is to outline these fundamental rights, to raise awareness and strengthen accountability in order to work towards their promotion, protection and enjoyment by all adults and older people living in residential care.

# General Principles:

The rights within this Convention are based on internationally agreed human rights; guaranteed in the Human Rights Act and the Scotland Act 1998, derived from the European Convention of Human Rights; the Universal Declaration of Human Rights and the International Covenants on Economic, Social and Cultural Rights and Civil and Political Rights. The general principles of which are:

- a. Respect for the inherent dignity and worth of all individuals.
- b. Promotion of individual autonomy including the freedom and support to make one's own choices.
- c. Support to ensure full and effective participation and inclusion in society.
- d. Respect for difference and a desire to respond to individual needs.
- e. Equal access to resources, services, information and opportunity.

# Articles:

**Article 1:** Residents have the right to **quality care**

**Article 2:** Residents have the right to **choice**

**Article 3:** Residents have the right to **independence**

**Article 4:** Residents have the right to **family involvement and personal relationships**

**Article 5:** Residents have the right to **privacy and confidentiality**

**Article 6:** Residents have the right to **information**

**Article 7:** Residents have the right to **cultural and social activity**

**Article 8:** Residents have the right to **community life**

**Article 9:** Residents have the right to **be treated with dignity and respect**

**Article 10:** Residents have the right to **individuality**

**Article 11:** Residents have the right to **be heard**

**Article 12:** Residents have the right to **full enjoyment of their surroundings**

**Article 13:** Residents have the right to **achieve their full potential**

**Article 14:** Residents have the right to **equal access**

**Article 15:** Residents have the right to **civic and political engagement**

**Article 16:** Residents have the right to **a safe, secure and homelike environment**

## Article 1: Residents have the right to quality care

Residents have the right to be supported and cared for by skilled, valued, compassionate and kind staff who are given enough time to get to know each individual, to listen to them and to fully respond to each person's needs. Care and support is personal and able to respond to changes in individual needs and aspirations.

*"I don't want to feel like a burden or be told that, 'I'm not the only one in this care home'. I want to be given time."*

Muriel, Care Home Resident, 2015.

## Article 2: Residents have the right to choice

Residents have the right to make and be supported to make their own decisions. These choices shouldn't be restricted by disproportionate rules and regulations. Residents have the right to exercise personal preference and to be as involved as they like with decisions about their care and support, in care home events or activities.

*"When it comes to making decisions, it's great when staff talk it over with you but ultimately it needs to be your own decision."*

Helen, Care Home Resident, 2015

## Article 3: Residents have the right to independence

Residents have the right to be supported and resourced to maintain their independence whilst in residential care.

*"I have the right to spend time on my own - but now because I am assessed as a 'falls' risk if I want to the staff have to fill in lots of paperwork especially when a sensor beam had to be fitted."*

Robert, Care Home Resident, 2015

## Article 4: Residents have the right to family involvement and personal relationships

Residents have the right to family life in the same

way that people outside of care homes do. They should be supported and resourced to maintain personal, marital and family relationships and social connectedness. The personal and sexual relationships of residents should be respected and valued.

*"I look forward to family visits, they keep me going and prevent isolation."*

Parveen, Care Home Resident, 2015

## Article 5: Residents have the right to privacy and confidentiality

Residents have the right to have their privacy and confidentiality respected at all times. No person, regardless of their living arrangements should be subjected to interference with his or her family, home or other correspondence. Residents have the right to have personal care delivered in a private and confidential manner, respectful of dignity and individual, cultural needs.

*"I should have the right to confidentiality - to be able to open my own letters and not have others read them."*

Sheila, Care Home Resident, 2015

## Article 6: Residents have the right to information

Residents and if they desire their families have the right to and should be provided with any information that affects their life in the care home. This information must be shared with residents in an accessible format and at a time suitable to that individual's needs.

*"Information that has an impact on you or your daily life needs to be communicated regularly and in a medium that is understood by all."*

Winnie, Care Home Resident, 2015

## Article 7: Residents have the right to cultural and social activity

Residents have the right to socialise and engage in activities both outside and within the care home and they should be supported to do so if they choose to. New residents to the care home should



be introduced to other residents and given the opportunity to get to know others. There should be available communal space for residents to use if they'd like some company.

*“New residents are not always introduced and that makes it difficult to know whether to approach them or not. Some people like to keep themselves to themselves but others want to socialise.”*

Larry, Care Home Resident, 2015

## Article 8: Residents have the right to community life

Residents have the right to play an active part in community life in the same way that those living in their own homes do. Care homes should take effective and appropriate measures to ensure that residents can enjoy full inclusion and participation in the community. For example, residents should be supported to attend local community, religious and other groups; to visit the library and attend community events if they choose to. Residents have the right to be able to contribute to the community in any way they may wish to. Equally, relationships between the care home and the community should be fostered to encourage community projects which involve residents.

*“In a few weeks students from the local school are coming into the care home for a week. I'm really looking forward to it, it's a great opportunity to learn from each other.”*

Jean, Care Home Resident, 2015

## Article 9: Residents have the right to be treated with dignity and respect

Residents have the right to be treated with dignity, respect, civility and courtesy. Care should be provided which supports and promotes and does not undermine a person's self-respect. To treat someone with dignity is to treat them as being of worth and to care for them in a way that respects them as individuals. Care staff should be polite, courteous and respectful at all times. Care homes should be sufficiently staffed and resourced to allow for staff to get to know residents.

*“For me, being treated with dignity means being given time. Staff are often so busy that they do*

*not have time to be with me, to stop and chat. That can make you feel small.”*

Norman, Care Home Resident, 2015

## Article 10: Residents have the right to individuality

Every resident has the right to be treated as an individual; according to his or her needs. There should be no, 'one size fits all' approach to care. Staff should be trained to recognise the individuality of each resident and what differentiates them from others, so that care can be provided which suits each individual and maximises the enjoyment of their rights. Individual characteristics of gender, race and ethnicity, disability, sexual orientation and religion and belief should be respected and supported. Residents have the right not to be treated with discrimination.

*“We are all given the same amount of money (or the home is). Why is that? We are all different.”*

Amrit, Care Home Resident, 2015

## Article 11: Residents have the right to be heard

Residents and their families have the right to voice any suggestions or concerns, no matter how small, about their care and support and about their home, and to be heard. Care homes should provide forums for anonymous suggestions and complaints to be made. These suggestions must then be taken seriously and addressed. These forums should be assisted by regular resident and relative's meetings, run wherever possible, by an impartial body.

*“I need to be listened to and not treated as a pest.”*

Amy, Care Home Resident, 2015

## Article 12: Residents have the right to full enjoyment of their surroundings

Residents have the right to fully enjoy their surroundings, in the same way that those living in their own homes are able to do. Residents should be involved in any changes to their home environment, should be supported to be as active as possible and to fully enjoy the external environment of their

home. If residents need to be accompanied while outside then it is the duty of the care home to ensure that they have enough staff and resources not to deny residents this right.

*“I enjoy spending time in nature but the staff don’t always have time to accompany me and because of rules and regulations, I am not allowed to go out alone. Being stuck indoors affects my mood, I feel happier when I am able to get some fresh air.”*

Andrew, Care Home Resident, 2015

### Article 13: Residents have the right to achieve their full potential

Residents have the right to live their life to the fullest; to exercise personal autonomy and choice; to be able to set individual goals and be supported in achieving these.

*“I may be in the care home but I am doing more now with my life than I have in years... and there is so much more I want to learn and do.”*

Ivy, Care Home Resident, 2015

### Article 14: Residents have the right to equal access

Residents have the right to equal access. Care homes should take appropriate measures to ensure that residents have access to, on an equal basis with others, information, communication, the physical environment, facilities outside of the care home etc. Living in residential care should not affect ones accessibility to public or private services.

*“I don’t think we get the same access to NHS services in the care home as in the community - I should have the right to be treated the same there as I was at home.”*

Sarah, Care Home Resident, 2015

### Article 15: Residents have the right to civic and political engagement

Residents have the right to be involved in the full civic and political life of their local community and nation, and to be supported to take as much a part as they might wish in being able to exercise their rights as citizens both locally and nationally.

Residents have the right to be supported to exercise their right to vote.

*“The canvassers never come to the care home. It is as if our votes don’t matter. But we still have views and opinions.”*

Alexander, Care Home Resident, 2015

### Article 16: Residents have the right to a safe, secure and homelike environment

Residents have the right to live in a safe, secure and homelike environment. Any restrictions on movements should always be personal, reasonable and proportionate. The right to safety and security shouldn’t where possible infringe on the right to a homely environment. Residents have the right to be free from harm and to take risks and should be supported in doing so where reasonable. Residents have the right to live in an environment which is adaptable to personal preferences and changing capacities.

*“It’s a very homely environment; residents can have their own phone (landline) in their room; friends and relatives can visit at any time and bring in food/drinks; room can have own pictures/ornaments etc.”*

Hannah, Care Home Resident, 2015



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