

Why we reviewed our human rights approach

We need a refreshed regulatory approach to human rights to respond to the challenges of recent years and to support our new regulatory approach.

The impact of COVID-19 on human rights in health and care

We first published our human rights approach to regulation in 2014 and updated the approach in 2019. Since then, the COVID-19 pandemic has changed how health and social care services are delivered.

The pandemic exposed critical human rights issues and highlighted the pre-existing inequalities in our health and care systems. Our [State of Care 2021/22 report](#) highlighted these concerns – some of which were also evidenced in the [COVID-19 Disparities report](#). In 2022, the report from the Joint Committee on Human Rights, [Protecting Human Rights in Care Settings](#), raised some concerns about human rights in care settings. These included:

- making Do Not Attempt Resuscitation decisions without consulting people
- restricting people's liberty
- denying people access to their communities and their visitors without individual assessments of the impact on their human rights.

The report described care services struggling to support people in the best way, given the risk they were dealing with, and trying to mitigate at the height of the pandemic. But some examples demonstrated a neglect to fully understand people's rights and freedoms.

CQC colleagues have told us that, in some cases, they thought the COVID-19 pandemic had weakened respect for people's human rights in health and care, and diminished expectations of the quality of care. Our updated human rights approach needs to counteract this, tackle the consequences of the pandemic, and address possible current shortfalls in human rights in health and care in England.

Our strategy and equality objectives

Our [strategy from 2021](#) set ambitions for our new regulatory approach to be more flexible to manage risk and uncertainty, enabling us to respond in a quicker and more proportionate way as the health and care environment continues to evolve. Underpinning this approach is the core ambition of **'tackling inequalities in health and care by pushing for equality of access, experiences and outcomes from health and social care services'**.

There are particularly close links between human rights and inequalities in experience in health and social care.

Under the [Health and Care Act 2022](#), our new responsibility to give a meaningful and independent assessment of care in a local area means we have the potential to influence the quality and safety of care. We can do this by developing rights-respecting cultures across systems – or 'rights-respecting systems'.

Our [equality objectives](#) will also contribute to our focus on human rights. For example, our equality objective on **'Amplifying the voices of people most likely to have a poorer experience of care or have difficulty accessing care'** will help us identify and respond to human rights risks.

We need to ensure that the learning from the pandemic is a driver for real change and that our new regulatory approach can make this happen.

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