



**RIGHTS
IN ROLES
RESOURCE PACK
LEADERSHIP**

brap

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INTRODUCTION

This is one of five resource packs published by brap (funded by the Equality & Human Rights Commission) (EHRC) on the subject of human rights in residential care for older people. The five resource packs are:

- Human Rights in Residential Care for Older People: Commissioning.
- Human Rights in Residential Care for Older People: Leadership.
- Human Rights in Residential Care for Older People: Resident Engagement.
- Human Rights in Residential Care for Older People: Managing Risk Positively.
- Human Rights: An Overview for Residential Care Staff.

In recent years human rights have been incorporated into the Care Quality Commission's (CQC) inspection regime. We produced these resource packs because so far little practical guidance has been issued relating specifically to human rights in residential care for older people and that which has, has focused primarily on legal compliance.

The resource packs were developed with the active participation of care commissioners, care home staff and managers, and residents and their families and carers. Each consists of commentary, tip sheets and exercises aimed at providing practical help, suggestions and guidance to ensure that human rights are better embedded in the routine daily concerns of providing residential care for older people.

The resource packs are aimed at managers, leaders and frontline staff, commissioners of care and residents and their families, in short, anyone involved in the provision of residential care who wants to better understand the daily, practical implementation of human rights in this context. The exercises are designed for use in a variety of contexts: personal use, staff team development sessions, and even, where appropriate (e.g. in the resident engagement resource pack) with residents and their families.

This resource pack aims to help leaders of residential care homes for older people promote a human rights culture throughout their homes. It is in two parts and covers the following:

TOOLKIT 1 Promoting a rights based culture

- Why the leader's role is critical in promoting human rights.
- How you can enhance a human rights based culture within your home.

TOOLKIT 2 Recruiting and supporting staff

- How you can empower and support staff to make decisions for themselves about protecting and promoting human rights.

- How you can review your recruitment practices to help ensure that you are taking on staff that share a commitment to providing compassionate care that promotes human rights.

TOOLKIT 1

PROMOTING A CULTURE OF RIGHTS IN YOUR CARE HOME

Introduction

This tool kit will help you develop a better understanding of:

- Why the leader's role is critical in promoting rights.
- How you can enhance a rights based culture within your home

It contains the following tip sheets:

- Tip sheet 1A: Messaging – the leader's role in sending clear signals to promote human rights.
- Tip sheet 1B: Modelling – the leader's role in modelling behaviours that promote human rights.
- Tip sheet 1C: Create belief in change – building a vision that promotes human rights.

Organisational culture should be positive. Unfortunately, this isn't always the case and a negative organisational culture can sometimes develop. When the judge sentenced six care workers from Winterbourne View hospital to prison in 2012 for abuse of disabled patients he said:

“A culture of ill-treatment developed and as is often the case, cruelty bred cruelty. This culture corrupted and debased, to varying degrees, these defendants, all of whom are of previous good character.”¹

However, there are many stages on the journey to total denigration of care. Denying people choices around the food they'd like to eat, or not always calling people by the name they prefer to be known by, may not seem very serious, but when this becomes part of a wider disregard for residents' autonomy it has the potential to escalate into an infringement of people's human rights. Recognising at an early stage when standards are being eroded and rights threatened is a vital part of a leader's role.

“I need to be prepared to come in every day and do battle for high quality care...it never stays fixed and the day that I think that I can't do this anymore is the day that I have to give up this job”

¹ <http://www.theguardian.com/society/2012/oct/26/winterbourne-view-care-staff-jailed>

(Care home leader)

The Care Quality Commission's new inspection regime will focus on assessing whether homes are 'well-led'.² Adopting a human rights approach to leadership can help you to build an open and fair culture. An important component of being 'well-led' is the promotion of the values of your home and a culture of compassionate care. Kindness, empowerment, and personalisation are not just words – they are actions. Your role in demonstrating, reflecting and reinforcing the culture you expect to see and experience is central.

If culture put simply is 'the way things are done around here' then managers and leaders are key culture carriers.

Listen to this audio: Care home managers talk about the role of leaders and managers in **helping residents to feel like they are in their homes.**

Content of audio:

- It's the manager's job to create a good atmosphere in the care home and make residents feel like they are in their own homes.
- Care work is not just a job, you need to believe in it.
- Don't do care work just because it pays.

In speaking with care home leaders, we found that they frequently highlighted three areas they felt were crucial to establishing and maintaining a culture where human rights can flourish:

- Messaging.
- Modelling behaviours, and
- Create belief in change.

The three tip sheets that follow will help you build on these areas in your own leadership. What is suggested goes beyond legal compliance in a number of respects and is recommended as good practice that will help promote human rights in your care home.

² <http://www.cqc.org.uk/content/our-new-approach-regulating-and-inspecting-services-guide-providers>

TIP SHEET 1A

MESSAGING: THE LEADER'S ROLE

Introduction

Leaders can help staff understand the relevance of rights by showing how the protection of human rights can be practically applied in everyday tasks and in encounters with residents. This tip sheet can be used with your staff teams.

Sharing and reinforcing human rights-related messages with staff

The left hand column gives examples of human rights messages to share and reinforce with staff; the right hand column shows how this can help you in your role:

Messages to staff that promote human rights	Helps you in your role
We are about personalising care and promoting the values which will make our care setting a resident's home (this includes very simple things like knocking on doors before entering, promoting choice and independence, and helping residents to do the things that matter to them).	The law... This is about bringing to life respect for private and family life. To respond to the CQC inspection agenda...in particular ensuring privacy and promoting autonomy. ³
Noticing if the rights of residents might be threatened and being prepared to discuss why this might be the case with colleagues. Making sure that rights are actively promoted as well as ensuring they are not routinely denied. For example, even if residents haven't specifically asked about voting in local or general elections, ensuring that they are given the opportunity to do so and helping to organise this, should some not be able to vote without support.	The law... This is about responding to the duty to actively <i>promote</i> human rights as well as protecting people from potential infringements of their rights To respond to the CQC inspection agenda (e.g. promoting an open and transparent culture in which colleagues discuss issues of human rights could help to show you are 'well-led').

³ See Regulation 10 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 <http://www.legislation.gov.uk/ukxi/2014/2936/contents/made>

Messages to staff that promote human rights

Helps you in your role

Ensuring residents know their rights by asking them questions about this as part of the care-planning process and issuing a 'residents' rights list' or similar to residents and staff and reviewing this regularly (see tip sheet 1C). Helping residents to understand that you appreciate their feedback if they feel that those rights are threatened in any way.

The law... Having strong 'early warning' feedback systems can help you spot early signs of potential abuse or neglect and take action to prevent such situations escalating.

Praising staff openly when they deliver effective, safe, responsive and compassionate care and when their behaviour promotes human rights.

To respond to the CQC inspection agenda (e.g. helps to meet the well-led domain by demonstrating that you help develop open and transparent cultures focused on improving quality).

Noticing and taking immediate action when rights are threatened (performance management).

Helps you to be clear about the relationship between protection of residents' rights and relevant performance management, supervision and support processes for staff.

Promoting a learning culture, using complaints as learning opportunities and wherever possible de-personalising the complaints (or mistakes) that people make.

Helps you to reinforce the importance of supervision and staff learning/development processes. Helps you to meet well-led domain of the CQC (leadership, culture and values).

TIP SHEET 1B

MODELLING: THE LEADER'S ROLE

Introduction

Leaders have a role in 'modelling' the behaviour they expect to see. This tip sheet makes some suggestions for how this can be done.

Demonstrating the qualities and behaviours you want to promote

Managers that we talked to explained in detail how they demonstrate the qualities and behaviours they want to promote in their home. How much of this do you think you do as a matter of routine – and how do you do it?

Listen to this audio: Care home manager talks about her role as a leader and **modelling the behaviour** she expects to see.

Contents of audio:

- Being person-centered is not just about residents – it is important to be compassionate to staff too, who will then behave similarly with residents.
- We try to be kind to our staff and help them where we can – for example, being there as a listening ear when they have a problem.
- Know your staff well – for example, if they come to talk about a problem remember what they said – follow up and ask them about it; remember their children's birthdays. It's important that staff feel they are valued as well as residents

"Person-centered care is not just telling staff they've got to do it for the residents, it's got to be a whole home culture really, so we always try to be compassionate to our staff first... Being person-centered towards staff is important because it's where it all starts, it then cascades down. If you're compassionate and kind and caring with staff then they hopefully will carry that down towards the residents too"
(Care home manager)

The following table provides examples of how you can model behaviours that help to reinforce the message to staff that protecting and promoting human rights is important and is valued.

Aim	Leadership behaviour
<p>Building caring relationships.</p>	<p>Having an open door policy and being approachable.</p> <p>Listening to staff concerns and supporting them when necessary.</p> <p>Making time for ad hoc conversations with both residents and staff. The paperwork isn't as important as developing good relationships.</p> <p>Taking time to listen and demonstrate that I care.</p>
<p>Finding opportunities to praise and reward staff for their efforts</p>	<p>Focus on spotting when staff/volunteers have done things well and praising their efforts.</p> <p>Making sure that everyone knows they have an important part to play in creating a caring environment.</p>
<p>Empowering staff to take initiative and ownership in what they do</p>	<p>Helping staff to problem-solve and giving them permission to come up with their own solutions (especially important for the personalisation of care and demonstrating autonomy).</p> <p><i>“We find that this is a really effective approach, especially where there are routine tasks and staff may get bored”</i> (Care home manager)</p>
<p>Promoting human rights and entitlements.</p>	<p>Being really clear about the promotion of residents' rights and also when they have been infringed. Using opportunities, such as team meetings and staff hand-overs, to speak about the promotion of rights in the home</p>

TIP SHEET 1C

CREATE BELIEF IN CHANGE

Introduction

There has to be a belief that culture can change. Things can improve, but it takes leadership to create the space to reward care above everything else. This can sometimes be eroded in a system where urgency and compliance are so often at the forefront. By their courage, and by focusing on what matters, leaders can create care homes where people want to live and staff want to work. This tip sheet suggests ways that you can help your managers, staff and residents share your belief in change and service improvement.

Building a vision that promotes human rights

Leaders spoke about the importance of:

- Telling stories about the good things that have happened in the home and making sure that everyone has heard about the home's successes.
- Passing on residents' comments – good and bad.
- Creating time and space to involve everyone – residents, relatives, volunteers and staff in designing a future for the home.
- Being prepared to be a 'sponge', soaking everything up, filtering out the less important, and providing clarity about what really matters.
- Creating the conditions for staff to do the right thing.

RE “We can do no great things; only small things with great love”
(Mother Teresa)

Identifying the pitfalls in the culture of a home is just the beginning. Leaders have a responsibility to create a vision that people can buy into. This doesn't mean ignoring poor practice, or abuse of human rights – it means demonstrating the behaviours you want to see (such as listening and responding to the concerns of residents and their families) and constructing a culture that focuses on human rights and quality at all times. This is what the CQC means by 'well-led'. Having practical examples of how you do this as a leader will help you to understand your role in making this happen.

Listen to this audio: Care home managers talk about what leaders can do to **inspire good care**

Contents of podcast:

- Lead by example.
- You need to believe in good care, and you need to be willing.
- Good care comes from the top down.
- You've got to be willing every day to fight for good care.
- You need to be working together as a team.
- Staff can try to play managers off each other (e.g. 'well Rose said that we can' etc.) so we always make sure we discuss things together. Then as managers we present a united front.
- Managers need to go the 'extra mile' too to help staff and hopefully they will then be willing to help us

A care home manager shared the checklist below with us. The list is provided to residents in their application pack and to staff as part of their induction. It is a good way to help make expectations about the culture of the home very clear to all involved.

Our home understands that all residents have the following rights and we have a responsibility to work together to uphold these:

1. To be treated with dignity and respect at all times.
2. To be protected from abuse or maltreatment.
3. To choose how you want to be addressed.
4. To be treated as an individual.
5. To have equal access to a range of statutory and specialised services.
6. To choose what you want to eat or drink and where you want to eat or drink it.
7. To have access to an advocate if you are unable to express yourself.
8. To have privacy in your own room.
9. To have any proposed changes in your living arrangements discussed with you first.
10. To be able to suggest improvements.
11. To have visitors of your own choice.
12. To register and vote in elections.
13. To manage your own money if able to do so.
14. To mix with the local community.
15. To choose your own GP and dental practice.
16. To be independent without unnecessary or unjust restriction on movement.
17. To choose risks that they consider acceptable.
18. To have their cultural, religious views, belief and needs respected.

TOOLKIT 2

RECRUITMENT AND SUPPORTING STAFF

Introduction

This tool kit will help you develop a better understanding of:

- How you can empower and support staff to make decisions for themselves about how to protect and uphold human rights.
- How you can review your recruitment practices to help ensure that you are taking on staff who share a commitment to providing compassionate care that complies with an individual's human rights.

It contains the following tip sheets:

- Tip sheet 2A: Supervision and support – reinforcing human rights through staff supervision and support.
- Tip sheet 2B: Recruitment to values – choosing the right people.

“Some people can't fill in an application form but can deliver excellent care, others can interview well, they know the right words, but they don't really know how to care”
(Care home manager)

Care home managers we spoke to described how increasingly they are asked to 'recruit for values'. But it can be hard to ascertain that an individual really is 'caring', that they are capable of “treating people with dignity”, of “being compassionate”. After all, people don't always end up working in care because of a burning sense of vocation, and they may also under-estimate the skills, attitudes and knowledge caring requires.

Care home managers need guidance that will help them recruit and retain staff who have the right types of professional instincts to deliver compassionate care: the ability to 'walk the walk' as well as 'talk the talk' in relation to their own and the home's vocational values.

Leaders play a vital role in encouraging greater 'agency' and autonomy on the part of staff, raising the level of control staff feel they have over their own behaviour and the outcomes of that behaviour. This can empower staff to listen to their own professional instincts and can help them to feel that their opinions about how to improve care systems and practices are valued and respected. This, in turn, improves the quality of care.

TIP SHEET 2A

SUPERVISION AND SUPPORT

Introduction

Most organisations already have a 'best interest' checklist, which helps care-givers understand the kind of things that should be considered in promoting independent decision-making. Much of this checklist will relate to the protection of human rights, though this might not be made explicit. As part of supervision processes or in short training sessions, it is possible to assess whether staff understand their role in upholding a resident's human rights.

This tip sheet has two simple exercises that can be used with staff teams to help reinforce an understanding of human rights and how they are upheld. They will also be useful in thinking about how regulatory requirements – such as CQC fundamental standards – are met. The companion resource packs on 'Resident Engagement' and 'Legal Issues' as part of this series will help anyone doing these exercises

Exercise

Whenever there is a suitable opportunity, pick a couple of questions from the menu below to review and discuss with your team. With regards to the care and support of residents:

- ? Can you give me an example of how you have promoted residents' right to privacy in our environment?
- ? Have you experienced any difficulties in promoting residents' privacy?
- ? Can you give me an example of how you have supported residents to maintain their dignity (e.g. when providing personal care)?
- ? Can you give me an example of how you have encouraged resident involvement in the decisions you may take on residents' behalf?
- ? Have you listened and responded to residents' interests – currently or in the recent past?
- ? Do you have any ideas on how to improve the way we involve residents in planning their care?
- ? How have you taken the views of family members and others who offer support into account when making this decision?
- ? I notice that (name of resident) hasn't had any visitors. Are we doing enough to understand her interests and if she has any friends and family that she might wish to see?

Exercise

This exercise concerns staff understanding and implementation of human rights and could be used as part of team meetings. You can pick a couple of case studies from the 'questions' section below. Some possible answers for each of the case studies are included in the section 'prompts for discussion'.

Questions

Case study 1

You have a new resident, Chien, who is from Vietnam. He is finding it difficult adapting to the home environment. You have noticed that despite being able to speak English, he only speaks to his daughter, who visits frequently.

- What human rights are at risk of being infringed for this resident?
- What practical things can we do as staff to help to uphold his human rights?

Case study 2

Last week staff spent three hours looking for Violet who had said she was popping out to buy a newspaper (which she had done previously without difficulty). She came back to the home later in the day, but said she had forgotten how to get back. Today Violet has asked to do the same again. Staff have told her they don't think that is a good idea, she is increasingly forgetful and that she shouldn't leave because she might forget how to get back again.

- What human rights are at risk of being infringed for this resident?
- What practical things can we do as staff to help to protect her human rights?

Case study 3

Mrs Jones can be a little bit uncertain at times and has a tendency to fall into line with decisions made on her behalf. You have noticed that she is less feisty than when she arrived in the home a year ago.

- What human rights might be at risk of being infringed for this resident?
- What practical things can we do as staff to help uphold her human rights?

Case study 4

Simon, a 74 year old, is entering the later stages of Parkinson's disease and is finding it increasingly hard to get around in the care home. Last Sunday, his daughter came to visit him early in the morning and found that he had been left to sleep in his wheelchair overnight and had not had anything to drink since lunchtime the day before. When she asked her father about this, he explained that it happened to him often because nobody has the time to bring him drinks unless he's in the dining room (now being less mobile and unable to fetch a drink himself). He doesn't want to cause a fuss but feels upset about his declining abilities. Staff have told Simon's daughter that night time is very busy because there aren't many people on duty.

- What human rights might be at risk of being infringed for this resident?
- What practical things can we do as staff to help protect his human rights?

Prompts for discussion

Case study 1

If a lack of communication with this resident is making it harder to understand whether his basic care needs are being met, then there are a range of human rights that may be at risk (such as his right to respect for private and family life).

He has the right to informed decisions about the care he receives and what he is able to do in the home (right to respect for private and family life). Only by communicating with the resident (or his daughter) will it be possible to understand whether he feels comfortable and is being treated with dignity. A lack of (or poor) communication with this resident will make this much harder to achieve. If this resident cannot enjoy equal access to effective care as a result of language barriers there is a risk that the right not to be discriminated against may be infringed.

Practical steps could include:

- Having a meeting with his daughter to understand how care staff could help the resident to share what he is feeling and thinking.
- Consider the role his daughter could play as an advocate for him.
- Discuss whether a translator may be of benefit and in what circumstances.
- Explore opportunities for his family to help him more proactively with his transition into residential care life (e.g. attending meal times

with him for a few weeks, or going along to care home activities with him).

- Staff could also use a range of techniques – such as mapping his life story with him and his daughter, or completing an ‘all about me’ book to get to know him better, understand more about his life and his aspirations for the future, and how he would like them to be communicated with him.

Case study 2

If Violet is being prevented from leaving the care home without following relevant deprivation of liberty safeguards (DOLs), then there is a risk that her right to liberty and security may be infringed. In addition, Violet has the right to be involved in decisions about personal risk (the right to respect for private and family life).

Practical steps could include:

- Discussing the risks involved with Violet and her family to ensure that she is aware of the risks of going outside.
- If Violet’s forgetfulness is becoming an issue, then a formal assessment of mental capacity could be carried out.
- There may be ways of minimising the risk to Violet by: providing her with a map; talking to the newsagent about Violet and asking them to point Violet in the right direction if she is lost; asking a volunteer who she gets on with to walk with her on some days.

Case study 3

The right to respect for private and family life protects residents’ right to autonomy and choice. But people shouldn’t always have to express a desire for autonomy in order for it to be given. This is especially true in cases where people are more vulnerable, lack confidence, or are unable or unwilling to say what they would like.

In these cases it is even more important that staff are able to show that what people want matters to them (and to the care home) and is part and parcel of creating an environment that is positive and caring for all residents. This includes supporting and empowering people to share what is on their mind.

Practical steps could include:

- Talking to Mrs Jones about some of her previous concerns and whether they’ve been addressed.
- Talking to her relatives to gauge whether her change in behaviour is a positive or negative development.

- Asking Mrs Jones a range of open questions (such as “how are you finding it here Mrs Jones?” and “is there anything more we could do?”). This would help to understand whether she is happy with her care and the routine that she is in at the care home.

Case study 4

There is potential for Simon to become dehydrated by not being given drinks when he needs them (which may be an infringement of his right to freedom from inhuman and degrading treatment, and may even lead to an infringement of his right to life). It will also be important to establish how Simon feels about being left to sleep in his wheelchair. If he feels humiliated or considers his choice is being restricted due to lack of support from staff then there is a potential for an infringement of the right to respect for private and family life.

Practical steps could include:

- Reviewing the risk to Simon’s hydration levels associated with his decreased mobility is a priority for the care home.
- Talking to Simon and his family early on about his bed-time routine would have helped to identify the effect sleeping in his wheelchair might have on Simon.
- Staff can learn more about which human rights are at stake here by engaging effectively with Simon and his family. This can help them to then make decisions about how they balance the human rights of residents with the home’s resource and/or capacity limitations. Freedom from inhuman and degrading treatment is an absolute right that must not be infringed when it is engaged.

TIP SHEET 2B

RECRUITMENT TO VALUES

Introduction

Despite advances in recruitment techniques and theory, many employers still find themselves employing people who are not suited to their roles, and many employees find themselves in jobs which do not meet their expectations. In the care environment, poor recruitment can be disastrous. If caring values are important then we need to be able to assess potential candidates for these; and if we want to understand whether prospective employees are willing to protect and promote human rights in care, then we need to be able to 'test' for these too. This tip sheet offers some suggestions for doing this.

Recruiting people who are likely to value and promote human rights

Managers spoke to us about some of the things they have done that have helped them recruit the right people. Some employers use psychometric tests to gain insights into the underlying assumptions and values of candidates.

You can also make the values of your care home clear at the advertisement stage, emphasising that you are looking only for people who are committed to delivering an excellent caring service.

Group interviews that utilise a realistic exercise or role-play that relates to the real-life challenges of care can offer insights into how people will behave in practice.

Competency-based interviews, with questions that are based on real life experiences, are also helpful in understanding how people have performed. It can be challenging for individuals to answer these questions if the issues raised are outside their experience – and not having experience currently doesn't necessarily mean that people cannot gain the necessary experience and grow into a role.

Here are some examples of competency based interview questions relating to human rights and compassionate care:

<p>Understanding the role</p>	<p>What do you think will be the best thing about working with older people?</p> <p>What do you think might be the worst thing about working with older people?</p>
<p>Draw up questions based on the values that you promote within your home</p>	<p>Compassion might be a value you wish to test for. Questions to pose, might include:</p> <p>Can you give me an example of when you voluntarily helped someone who was in need of your support?</p> <ul style="list-style-type: none"> • What was the situation? • What made you offer your help? • How did this make you feel?
<p>Promoting rights</p>	<p>Can you think of a time when you did the right thing, even when others around you didn't want you to do it?</p> <ul style="list-style-type: none"> • What was the situation? • What did you do and why did you do it? • What was the outcome? • How did it make you feel?
<p>Commitment</p>	<p>Tell me about a time when you have done extra to achieve a desired outcome – without anyone telling you to do it.</p> <ul style="list-style-type: none"> • What was the situation? • What was the outcome? • How did it make you feel?
<p>Non-discriminatory practice</p>	<p>What do you understand by this term?</p>

The most effective (and the most dependable) assessment that care home leaders recommended was to give candidates some observed time working in the home to assess whether they are caring.

Some leaders also talked about using probationary periods to assess employees' fit with the values and practices of the home. These leaders were able to observe values in practice and to make a practical assessment of basic interactions with older people, such as interpersonal skills and their ability to build caring relationships with people. Other useful resources on 'recruiting to values' are included at the end of this document.

OTHER USEFUL RESOURCES

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Why bother with human rights?

www.brap.org.uk/about-us/blog/342-why-bother-with-human-rights

Equality and Human Rights Commission

Human rights in health and social care: useful resources

www.humanrightsinhealthcare.nhs.uk/Library/archive/events_archive_october/human_rights_in_health_social_care%20-%20useful%20resources.pdf

Dementia Rights

Examples of human rights in health and social care

www.dementiarights.org/examples-of-human-rights-in-health-and-social-care/

Health Education England

Values based recruitment

<http://hee.nhs.uk/work-programmes/values-based-recruitment/vbr-resources/>

Joseph Rowntree Foundation

My home life: promoting quality of life in care homes

www.jrf.org.uk/publications/my-home-life

Scottish Human Rights Commission

Embedding human rights in care training pack

www.scottishhumanrights.com/careaboutrights/welcome-embedding

Skills for Care

Culture for care: your toolkit

www.skillsforcare.org.uk/Skills/Culture

Skills for Care

The common core principles: dignity

www.skillsforcare.org.uk/dignity

Skills for Care

Values based recruitment

<http://www.skillsforcare.org.uk/Finding-and-keeping-workers/Values-based-recruitment/Value-based-recruitment-tool.aspx>

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