

# Using human rights as a practitioner

## Early intervention and medication

This flowchart is for practitioners supporting someone who wants to stop taking their early intervention psychosis medication, to help you think about using a human rights approach.

### Which of my Human Rights Act duties are triggered?



Duty to protect person's private life



Duty to protect person's family life



Duty to respect person's right to private life: autonomy

### Step 1

Is the person's well-being, or participation in their community, at risk?

Protecting private life

YES

NO

If the person is unable to participate in their community or is at risk of harm as a result of taking the medication, or could be a risk to themselves if they stop taking their medication, you must take reasonable steps to protect the person from harm.

### Step 2

Is the person's family life at risk?

Protecting family life

YES

NO

If the person's family relationships are at risk as a result of taking the medication (or stopping taking the medication), you must take reasonable steps to protect this right.

### Step 3

Are you considering trying to keep the person on medication?

Respecting autonomy

YES

NO

This will engage their autonomy: having a say and making their own decisions

Exit the flowchart

### Step 4

Are you concerned about the person's capacity to decide about staying on the medication?

Respecting autonomy

YES

NO

Arrange a mental capacity assessment. If assessed as not having capacity, make a best interests decision. **Exit flowchart.**

You have a duty to respect the person's autonomy. This is not an absolute right (it can be restricted) but you must follow the three stage test to see if your interference would be permissible:

- 1. Lawful:** There isn't a law which permits you to insist a person takes medication against their will in this situation (unless you need to use the MHA or MCA). If you do need to use the MHA or MCA, you would still need to show...
- 2. Legitimate aim:** What is the legitimate aim you are trying to achieve, such as the safety of the person or others AND
- 3. Proportionate:** You would need to show that insisting the person takes their medication is the least restrictive way to achieve that aim. Have all other options been explored, including other treatment options?

**Support the person to make an informed decision about their care.**

This flowchart is taken from BIHR's toolkit 'Mental Health Early Intervention and Human Rights: A practitioner's guide'

The toolkit gives more information on these rights, your duties as a practitioner and covers other key issues for early intervention.

Other toolkits in this series include flowcharts on key issues for dementia, young people and rehab. Get your free copy at:

[www.bihr.org.uk/health](http://www.bihr.org.uk/health)  
0207 882 5850

[info@bihr.org.uk](mailto:info@bihr.org.uk)  
[@BIHRhumanrights](mailto:@BIHRhumanrights)

