# Using the Human Rights Act: Template Response

Made in collaboration with a Health and Social Care Partnership in England during practice based human rights work, February 2024.

This tool can be used to map out how to write a letter about a human rights concern. It can be downloaded and then edited in a word document. If you are emailing your letter, it is better to write it on a separate document and attach it to the email to be as formal as possible.

We have added helpful links to explain the information you should include in more detail at the bottom of each section.

[Click here to access our online tool to help you use human rights practically.](https://knowyourhumanrights.co.uk/home/)

1. **Address the sender, mentioning who you are and why you are writing this letter, if** **you are helping a parent/young person make it clear that you have their consent to do this:**

Type your concerns in the space provided under each heading, then copy the text onto a new document.

1. **Explain why you are concerned about the human rights issue:**
* Explain the facts of the issue and the impact on the person.
* We have a model available as a guide to recording a human rights issue.

[Read more about what the Human Rights Act is and where it applies.](https://www.bihr.org.uk/get-informed/what-is-the-human-rights-act)

1. **Say which Article/s of the Human Rights Act is at risk:**
* Explain that all public bodies have a legal duty to respect, protect and fulfil human rights.

[Read our explainer on who is and isn't a public body here.](https://www.bihr.org.uk/get-informed/legislation-explainers/hybrid-public-bodies-what-is-a-public-authority-under-the-human-rights-act)

[Read about the rights everybody has here.](https://www.bihr.org.uk/get-informed/what-rights-do-i-have/the-right-to-education)

1. **Why you think this Article/s are at risk:**
* Some rights can never be restricted (absolute), others can sometimes be restricted (non-absolute).
* Mention absolute rights first as these are likely to be having a more serious impact, then non absolute rights.
* When talking about a non-absolute right, reference the three-stage test for restricting this right and why you are concerned it has not been met.
* Be clear that respecting, protecting and fulfilling human rights is the law, not an option.

[You can find all 16 rights here, click on the relevant right and you’ll find whether it’s absolute or non-absolute.](https://www.bihr.org.uk/get-informed/what-rights-do-i-have)

[Find out what absolute and non-absolute rights mean and the test for restricting non-absolute rights here.](https://www.bihr.org.uk/get-informed/what-is-the-human-rights-act)

[Find an example of the test in practice for the right to private, family life, home and correspondence here.](https://www.bihr.org.uk/get-informed/what-rights-do-i-have/the-right-to-respect-for-private-and-family-life-home-and-correspondence)

[Find out more about when a public body must uphold human rights here.](https://www.bihr.org.uk/get-informed/where-do-organisations-duties-apply)

1. **Give alternatives that you think would be rights respecting:**
* Think about what would be the ‘least restrictive’ option.
* Remember that a lack of resources alone is **not** sufficient reason to restrict rights.

[Read about real life examples of rights respecting outcomes here.](https://www.bihr.org.uk/get-informed/the-human-rights-act-in-real-life)

1. **Sign off with clear understanding of who you are and why you are writing this letter.**