# Level 2 Public Services – Human Rights and Public Services

# 1 of 18 – Welcome

Welcome to this session on human rights and public services.

In this session we will be covering:

* Human Rights Act 1998
* Other legislation (law) that protect your rights as a UK citizen

You will need a pair of headphones.

# 2 of 18 – Public Services

The following are the main public services in the UK. Let’s look at the purpose and functions of each one:

**Police**

The purpose of the police service is to uphold the law fairly and firmly; to prevent crime; to pursue and bring to justice those who break the law; to keep the Queen's Peace; to protect, help and reassure the community; and to be seen to do all this with integrity, common sense and sound judgement.

**UK Visas and Immigration**

This department is responsible for making millions of decisions every year about who has the right to visit or stay in the country, with a firm emphasis on national security and a culture of customer satisfaction for people who come here legally.

**Health**

Public services under this heading are NHS hospitals, mental health and ambulance services. There are also general practices, dentists, optometrists and pharmacists.

**Education**

This department is responsible for education broadly, including, children’s services, higher and further education policy, apprenticeships, equalities, and wider skills in England. Teaching and learning for children and young people.

**Courts**

These have the power to imprison those convicted of a crime, if the offence is serious enough. However, imprisonment is not the only solution; a judge or magistrate can also order a community punishment. Courts also publicly and fairly hear cases and ensure justice for the victim.

**Intelligence services**

MI6 SIS work secretly overseas, developing foreign contacts and gathering intelligence that helps to make the UK safer and more prosperous. They work across the globe to counter terrorism, resolve international conflict and prevent the spread of nuclear and other non-conventional weapons.

MI5 is responsible for the protection of national security and in particular its protection against threats such as terrorism, espionage and sabotage, the activities of agents of foreign powers, and from actions intended to overthrow or undermine parliamentary democracy by political, industrial or violent means.

**Prison service**

This serves the public by keeping in custody those committed by the courts. Their duty is to look after them with humanity and help them lead law-abiding and useful lives in custody and after release.

**Armed forces**

Their role is to protect the security, independence and interests of our country at home and abroad. They work with our allies and partners whenever possible. Their aim is to ensure that the armed forces have the training, equipment and support necessary for their work, and that they keep within budget.

**Government**

This organisation is in charge of managing the country and deciding how our taxes are spent. Different government departments have responsibility for separate areas.

# 3 of 18 – Public Services

**Download the associated PDF and complete Task 1**. Task 1 – What is the purpose of each of the following public services?

* Police
* Education
* Prison Service
* UK Visas and Immigration
* Courts
* Armed forces
* Health
* Intelligence Service
* Government

Remember to save your work.

# 4 of 18 – Public services and the law

As normal citizens in the UK we are expected to follow the laws of the country and be good citizens. Members of the public services also have to obey the laws that everyone else does, but they have additional laws to follow because they have additional powers that normal citizens do not have.

Every statutory public service in the UK has its own legislation, to describe not only how the service should function but also its limitations and restrictions. Members of the public services should be role models and examples to others. They need to have authority and that can only be achieved if they are good citizens and obey the law themselves.

# 5 of 18 – Principles of Human Rights

Human rights are things to which individuals in society are entitled. These rights are laid down in law, so if these rights are violated, then a UK citizen can go to court to seek justice. The principal law in the UK is the Human Rights Act 1998.

Human rights can be split into two sections:

1. Protection

2. Rights or entitlements

Protection ensures that the law is upheld and that citizens are safe. Rights permit citizens to live freely and without fear. See below for a list of the articles listed in the Human Rights Act 1998:

* Article 2 Right to life
* Article 3 Freedom from torture and inhuman or degrading treatment
* Article 4 Freedom from slavery and forced labour
* Article 5 Right to liberty and security
* Article 6 Right to a fair trial
* Article 7 No punishment without law
* Article 8 Respect for your private and family life, home and correspondence
* Article 9 Freedom of thought, belief and religion
* Article 10 Freedom of expression
* Article 11 Freedom of assembly and association
* Article 12 Right to marry and start a family
* Article 14 Protection from discrimination in respect of these rights and freedoms
* Protocol 1, Article 1 Right to peaceful enjoyment of your property
* Protocol 1, Article 2 Right to education
* Protocol 1, Article 3 Right to participate in free elections
* Protocol 13, Article 1 Abolition of the death penalty

# 6 of 18 – Human rights and public services

The Human Rights Act requires all public bodies (like courts, police, local authorities, hospitals, and publicly funded schools) and additional bodies carrying out public services to respect and protect your human rights.

Watch this video about human rights. Take some notes about this topic: [Your Human Rights](https://www.youtube.com/embed/VO7oS8PqkJY?autoplay=1&rel=0&start=0&modestbranding=1&showinfo=0&theme=light&fs=0&probably_logged_in=0)

# 7 of 18 – Question 1

The articles in the Human Rights Act list your rights and freedoms. From the options below, can you identify the correct ones? Identify all that apply.

* Freedom from inhumane or degrading treatment
* Right to publish racist materials
* Freedom to plan terrorism
* Right to liberty and security
* No punishment without law
* Respect for your private and family life

The correct choices are:

* Freedom from inhumane or degrading treatment
* Right to liberty and security
* No punishment without law
* Respect for your private and family life

# 8 of 18 – Question 2

The articles in the Human Rights Act list your rights and freedoms. From the options below, can you identify the correct ones? Identify all that apply.

* Right to a fair trial
* Right to bear arms
* Right to intimidate
* Right to education
* Right to peaceful enjoyment of your property
* Freedom of expression

The correct choices are:

* Right to a fair trial
* Right to education
* Right to peaceful enjoyment of your property
* Freedom of expression

# 9 of 18 – Protection

**Article 14: Protection from discrimination in respect of these rights and freedoms**

This article protects all other rights and freedoms in the Human Rights Act. Discrimination occurs when you are treated less favourably than another person in a similar situation. Discrimination can also occur if you are disadvantaged by being treated the same as another person if your circumstances are different, for example, if you are disabled or pregnant. People have the right not to be treated differently because of their race, religion, sex, political views, or any other status.

# 10 of 18 – Protection and the public services

All public services must meet the requirements of Article 14. It is often used alongside other articles to show that discrimination has occurred. Read below to remind yourself of the articles:

Articles of the Human Rights Act 1998

* Article 2 Right to life
* Article 3 Freedom from torture and inhuman or degrading treatment
* Article 4 Freedom from slavery and forced labour
* Article 5 Right to liberty and security
* Article 6 Right to a fair trial
* Article 7 No punishment without law
* Article 8 Respect for your private and family life, home and correspondence
* Article 9 Freedom of thought, belief and religion
* Article 10 Freedom of expression
* Article 11 Freedom of assembly and association
* Article 12 Right to marry and start a family
* Article 14 Protection from discrimination in respect of these rights and freedoms
* Protocol 1, Article 1 Right to peaceful enjoyment of your property
* Protocol 1, Article 2 Right to education
* Protocol 1, Article 3 Right to participate in free elections
* Protocol 13, Article 1 Abolition of the death penalty

Imagine you are a solicitor and clients have come to see you for advice. If their human rights have been denied in any way, then it is your job to identify that and advise them on what could happen next. In this role, and similar roles, knowing and understanding the various articles in the Human Rights Act is very important.

# 11 of 18 – Question 3

A young man attempted to kill himself while in custody at a Young Offender Institution. He was left with serious permanent brain damage. Investigations should lead to preventative action and reduce the risk of similar incidents in the future.

Which public service is involved here?

* Police
* Education
* Prison Service
* Border control
* Courts
* Armed forces
* Health
* MI5/MI6
* Government

Which article is most appropriate?

* Article 6
* Protocol 1 Article 3
* Article 5
* Article 2

The answer is: The Prison Service and Article 2: Right to life is the correct article.

# 12 of 18 – Question 4

A hospital psychiatric department is holding a mental health detainee who speaks little or no English. The services of an interpreter were not available when detaining the patient.

Which public service is involved here?

* Police
* Education
* Prison Service
* Border control
* Courts
* Armed forces
* Health
* MI5/MI6
* Government

Which article is most appropriate? Tip: you will need two answers for this part of the question.

* Article 14
* Protocol 1 Article 2
* Article 5
* Article 3

The answer is:Health and Article 5: Right to liberty and security, and Article 14: Discrimination on the basis of language are the correct articles.

# 13 of 18 – Question 5

A young woman was arrested and charged with the offence of driving and using her mobile phone on 28 Nov 2003. She received a fine and points on her driving licence, although using mobile phones whilst driving became a criminal offence on 1 Dec 2003.

Which public service is involved here?

* Police
* Education
* Prison Service
* Border control
* Courts
* Armed forces
* Health
* MI5/MI6
* Government

Which article is most appropriate?

* Article 6
* Article 7
* Article 5
* Article 2

The answer is: The Police and Article 7: No punishment without law is the correct article.

# 14 of 18 – Question 6

The council applied the summary eviction procedure to evict a travelling family after 13 years of living at a site because of causing a nuisance. The family wants to challenge the council’s decision on the basis that their eviction from the site is an infringement of their human rights.

Which public service is involved here?

* Police
* Education
* Prison Service
* Border control
* Courts
* Armed forces
* Health
* MI5/MI6
* Government

Which article is most appropriate?

* Article 3
* Article 11
* Protocol 1 Article 1
* Article 8

The answer is: The Government and Article 8: Right to respect for private and family life is the correct article.

# 15 of 18 – Question 7

A drunk and disorderly man was arrested, taken to the police station, and held in a cell. He became abusive and attempted to kick officers. The man is claiming the police officers stripped him and took his clothes away and refused medical care.

Which public service is involved here?

* Police
* Education
* Prison Service
* Border control
* Courts
* Armed forces
* Health
* MI5/MI6
* Government

Which article is most appropriate?

* Article 6
* Article 7
* Article 5
* Article 3

The answer is: The Police and Article 3: Freedom from inhumane or degrading treatment is the correct article.

# 16 of 18 – PACE Act 1984

The police have a special law called the Police and Criminal Evidence Act 1984 (PACE). This tells the police how they must treat suspected criminals and how they take care of the evidence gathered at crime scenes. It is reflective of the Human Rights Act 1998.

The PACE Act 1984 is split into different sections:

**Code A**: powers to search a person and or vehicle

**Code B**: powers to enter and search premises and seize possessions

**Code C**: treatment of detained suspects in custody

**Code D**: process of identification of suspects

**Code E**: audio recording of police interviews

**Code F**: visual recording with sound of a police interview

**Code G**: powers to arrest any suspect

**Code H**: detention of suspects arrested under the Terrorism Act 2000

# 17 of 18 – PACE Act 1984 and the police

Part of the PACE Act includes Codes of Practice which police officers have to take into consideration when carrying out any activities associated with their work. For example:

Code A: Powers to stop and search must be used fairly, responsibly, with respect for people being searched and without unlawful discrimination. (Article 14)

Code C: Powers of Arrest and detention - detainees must be informed that they may at any time consult and communicate privately with a solicitor, whether in person, in writing or by telephone, and that free independent legal advice is available. (Article 17)

# 18 of 18 – End

Well done. You have completed this session on human rights and public services. In this session we have covered:

* Human Rights Act 1998
* Other legislation (law) that protect your rights as a UK citizen

If you are unsure or have any questions about any of these topics, make a note and speak to your tutor for more help.