

Implementing a Human Rights Approach within Public Services: An Outline Psychological Perspective

A Report for the Department for Constitutional Affairs

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Contents

About the authors.....	4
Acknowledgments.....	4
Executive summary.....	5
Introduction.....	10
1. Psychology and human rights.....	12
1.1 Psychological complexity.....	12
1.2 Is it possible to effect change?.....	13
2. Psychological theories of attitude and behaviour change.....	14
2.1 Levels of psychological explanation.....	15
2.2 Psychological reactance.....	15
2.3 Behavioural psychology.....	16
2.3.1 Rewards.....	16
2.3.2 Sanctions.....	17
2.3.3 Compulsion.....	18
2.4 Cognitive models of behaviour change.....	19
2.4.1 Theories of reasoned action and planned behaviour.....	20
2.4.2 Causal attribution.....	21
2.4.2.1 Self-serving biases.....	21
2.4.2.2 The fundamental attribution error.....	21
2.4.3 Heuristic reasoning.....	21
2.4.3.1 Availability heuristic.....	22
2.4.3.2 Representativeness heuristic.....	22
2.4.4 The confirmation bias.....	22
2.5 Personal consistency in attitudes and behaviour.....	22
2.5.1 Cognitive dissonance.....	22
2.5.2 Declarations of commitment.....	23
2.6 Social context and social learning.....	23
2.6.1 Social learning theory.....	23
2.6.2 Self-efficacy.....	24
2.7 Social influence.....	24
2.7.1 Authority.....	25
2.7.2 Social responsibility.....	25
2.7.2.1 Bystander apathy.....	25
2.7.2.2 Diffusion of responsibility.....	26
2.7.2.3 Pluralistic ignorance.....	26
2.7.2.4 Prosocial behaviour.....	26
2.7.3 Personal identification.....	27
2.7.4 Mutuality.....	27
3. Advancing understanding of the value of human rights.....	28
3.1 The importance of language.....	28
3.2 Alignment with existing value systems.....	29
3.3 The uses of human rights in public services.....	30
3.4 Political leadership and the importance of consistency.....	31
4. Policy options for implementing a human rights approach.....	33
4.1 Training providers of public services.....	33
4.2 Codes of practice.....	37
4.3 Involving service users.....	42
4.4 Awards.....	44
4.4.1 For public authorities.....	44

4.4.2	For individual public service employees	45
4.5	Measuring the impact on service delivery	45
4.5.1	Inputs	46
4.5.2	Outcomes.....	47
5.	Conclusions and Recommendations	48
	References.....	51

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Executive summary

A central purpose of the Human Rights Act 1998 is to institutionalise human rights thinking in public service provision. This would occur when it could genuinely be said that public services were provided in a way which was fair, which respected peoples' dignity and diversity and which guaranteed their rights to equal treatment and equality of opportunity. The effect would be to reduce the likelihood of human rights breaches and to improve the quality of the services provided for all users of them. As evidence of the continuing instances of poor treatment demonstrates, however, the Human Rights Act has not yet achieved its purpose. What needs to be done to implement a human rights approach in public services?

Public services are not provided by faceless institutions, which as "public authorities" have legal responsibility under the Human Rights Act. They are in fact provided by millions of public sector workers facing daily challenges and dilemmas in delivering services to people who are often vulnerable and marginalised. Short of legal action where there are breaches of the Act, what are the best ways to ensure that these busy individuals do in fact treat users of services with fairness, respect, equality and dignity (i.e., in accordance with the FRED principles)?

Any investigation into how people treat or should treat other people raises questions about their attitudes and behaviour and the extent to which these can be modified. Such questions are fundamental to psychological science which studies how people think, act and react and how they interact with each other. The Department for Constitutional Affairs, which has responsibility for the Human Rights Act, commissioned this inquiry into the contribution of psychological science to the development of human rights policy. The report describes in outline the psychological implications of particular policy options that can be adopted and refined to progress more effective implementation of the Act within public services. The remit is therefore a narrow one, referencing relevant psychological evidence on attitudes and behaviour of individuals and groups, and the report does not address the wider imperatives of organisational and systemic changes, law reform or legal action in the case of breaches of the Act.

Human rights are neither precisely defined nor properly understood. In many cases, the "messages" that people receive about human rights are confusing and in some quarters, they engender hostility. Human rights often have a high profile and when people (whether they are public sector workers or not) hear about them, they will actively seek to make sense of what they mean. People will create "mental models" of how human rights issues relate to themselves reaching for the meanings that are the most available to them (possibly adverse and absurd reports in the Press) and using psychological shortcuts (known as "heuristics") to help them.

The Value of Human Rights

The first lesson from psychological science, therefore, is the need for spokespeople with "legitimate authority" (e.g., the Government, public sector leaders and, after 2007, the new Commission for Equality and Human Rights) publicly to state and restate the value of human rights in our society. Such statements need to explain that human rights are grounded in the FRED principles, that they complement public service values and that

they assist in improving public services. Statements should explain that human rights principles support users in demanding better public services and that the law guarantees protection in the case of breach. The corollary needs explaining too: that human rights do not represent a charter to satisfy people's wants and that they do not apply to everyone's grievances. The Human Rights Act should, therefore, be presented as consolidating, in law, principles that are widely shared and underpin civil society.

Psychological science also suggests that, in order for the "human rights message to stick", the authoritative sources need not only to be coherent but also consistent. This means that the Government should always support the existence of the Human Rights Act even though there may be disagreement (say with the judiciary) over its application in a particular case (say counter-terrorism policy). If the value of human rights legislation is not always endorsed by political leaders and similarly authoritative figures, then it becomes more difficult to persuade people, such as public sector workers, of the value of complying with it.

In psychological terms, the implementation of a human rights approach specifically within public services will be more effective if human rights are presented to public sector workers not as a separate or novel set of standards (which might engender negative or counter-productive responses known as "reactance") but as complementary to well-established value systems such as the public service ethos and the equality and diversity agenda (which encourages intellectual absorption). Human rights also need to be communicated, not only in terms of preventing malpractice (risk avoidance) but also as providing a useful framework to improve public service provision. Once the underlying value of human rights and its application to public services have been understood, the important fact that it is grounded in statutory requirements can then be explained. The "positive duties" under equality legislation are comparable in this respect. The psychological effect on individual attitudes should then be, "this is something that can help us do our job better and it's required by law anyway" rather than "this is more red tape."

Six Principles for Human Rights in Public Services

In summary, therefore, psychology suggests the importance of "cognitive scripts" (belief systems) in developing people's understanding of human rights and how they can apply them in the workplace. These "scripts", when designed for people providing public services, should take into account the following six principles:

- the Human Rights Act is a corner-stone of our constitutional settlement
- the values of fairness, respect, equality and dignity (FRED) underpin the Act
- these human rights principles complement existing value systems such as the public service ethos and equality of opportunity
- human rights principles can contribute to improving public services
- the human rights framework is useful in addressing the challenges of public service provision and
- a human rights approach to public service delivery will constitute best practice at the same time as amounting to compliance with the law.

Political leaders and other authoritative figures need to maintain the coherence of this "script" and deliver it consistently.

Policy Options

The report considers the psychological implications of policy development in five particular areas constituting practical measures which can be adopted to progress the implementation of a human rights approach within public services: (1) further human rights training and guidance, (2) incorporating human rights into codes of practice, (3) greater involvement of users in the design and delivery of public services, (4) awards for achievements in human rights and public services, and (5) measuring the impact of the human rights approach on service delivery.

1. Training Providers of Services

Training public sector workers about their human rights responsibilities provides the best opportunity for addressing people's understanding and belief systems. The training, which has in the past largely focused on legal questions (which suggests to non-lawyers that it is not relevant to them) should be based on the Six Principles listed above. In addition, it is important that people undergoing training are actively encouraged to contribute their own thoughts about human rights and their experiences and practices in delivering services to which human rights apply. This will allow people to test what they are learning about human rights against any preconceived notions or shorthand examples that they may have ("availability heuristics") and will encourage people to adapt their existing "mental models" in order to make more sense of human rights. Training on human rights should not explicitly seek to change people's belief systems because this could cause "reactance". Instead, it should suggest that human rights, although apparently controversial in some quarters, are in fact complementary to everyone's sense of what is fair and decent.

The Ten Essential Shared Capabilities set out the guiding principles to which public sector workers in mental health services are expected to adhere in the provision of those services. These provide a useful model for current purposes. A comparable human rights template could be used in induction, ongoing training, supervision and appraisal of staff. The effect may well be to "professionalize" larger numbers of public sector employees, particularly those, like carers, who are at the front-line of service delivery. Further research on the efficacy of the Ten Essential Shared Capabilities in the mental health context would assist the development of comparable standards for human rights (whether based on the proposed Six Principles or some other formulation).

The concept of "personal identification" (i.e., face-to-face contact) suggests that live and interactive training is psychologically more effective than provision of written material. The significance of "social learning" (people will look to their peers for explanations) should also be remembered when considering the expenditure of resources on live training (which will include those peers) compared with written guidance.

2. Codes of Practice

Public declarations of commitment, especially regarding matters of principle, are, according to psychological research, powerful motivators towards positive behaviour and they encourage greater social responsibility. Such declarations go further than corporate mission statements because they operate as informal contracts requiring reciprocal endorsement by employees. Implementation of a human rights approach within public

services requires the personal commitment of individuals providing such services and it could be encouraged by explicit adherence to human rights principles in a code of practice.

To be effective, such a code needs to be based on the Six Principles, referring both to the Act and the underlying FRED principles and providing the twin message that human rights are there to help as well as being required by law. The code should also include the recognisable (and therefore psychologically useful) language of the public service ethos and equality and diversity and there should also be statements about the high quality expected of the particular services in question and the rights of users.

Codes of practice need to be taken seriously within organisations so they should be publicly available, compulsory and there should be appropriate sanctions for breach of them. Appointing individuals to be responsible for adherence to the code among their colleagues can promote “prosocial behaviour” and encourage greater personal responsibility.

How could human rights codes of practice be introduced? Many public sector workers, especially those in the professions, are already subject to codes of ethics and these could be adapted to refer more explicitly to human rights requirements. The majority of public sector workers, however, may not be obliged to adhere to codes of practice and it would be advisable to research the implications of such a policy before embarking on it. This inquiry is worth undertaking because of the psychological benefits derived from declarations of commitment. It also fits with findings from recent research commissioned by the DCA that service users wanted “*clearer ground rules for public services which could be based on the principles underlying the Human Rights Act.*”

3. *Involving Service Users*

The greater involvement of service users in public service provision is one of the central planks of the Government’s public service reform agenda and is a well-established principle of best practice. There are benefits from a psychological perspective because the interaction between different groups of people (in this case public sector workers and users of public services) reduces stigma and the desire for “social distance.” Closer engagement enhances empathy which is crucial for a human rights approach to the provision of services.

The principle of “mutuality” suggests that there are benefits in encouraging different groups (providers and users) to participate in achieving the same outcome (improved public services). When human rights are expressed in terms of the Six Principles, it becomes possible to see ways in which users of services could become involved in their wider implementation. Possible areas include: design of training programmes, drafting of codes of practice, participation in award schemes and user satisfaction / complaint surveys.

4. *Human Rights & Public Services Awards*

In psychological terms, public awards constitute “rewards” which, because of their “social” impact, can encourage positive behaviour. Caution is needed with rewards because, as psychological research shows, they can produce counter-productive responses. Awards that are unpredictable rather than expected may be particularly

motivating and are more likely to lead to genuine and innovative developments rather than 'working for the reward'.

Awards can be granted to public authorities, as organisations (such as Beacon Council status or Charter Marks) and to individual public sector workers (the honours system or public service awards. Several opportunities exist for enhancing the link between human rights and public services through the award system. This can be done either by introducing a human rights component to existing public service awards or by launching a new human rights in public service award. The latter has the merit of visibility and offers an opportunity not only to develop publicly available criteria on what constitutes human rights best practice on the part of public service providers but also to publicise wider messages about human rights in public services (for example the Six Principles).

5. Measuring the Impact on Service Delivery

The policy options discussed so far represent "inputs" that can be made to progress wider implementation of human rights within public services. These "inputs" need to be evaluated for their effectiveness in changing practice and it is also desirable, so far as practicable, to measure the outcomes attributable to such changes in practice. Measurement of outcomes in the present context is likely to be readily available in quantitative terms such as numbers of front-line staff trained in accordance with the Six Principles or the numbers of human rights codes of practice introduced. It is also likely to involve some qualitative assessment along the lines of "are users treated with more dignity with respect?"

Although psychologists (along with most lay people) regard subjective assessments with scepticism, it is central to psychologists' competencies to analyse people's impressions and beliefs and the factors that may be influencing them. Psychology is likely, therefore, to have much to contribute in the development and analysis of user satisfaction surveys in assessing wider implementation of a human rights approach in public services.

Summary of Recommendations

1. The value of human rights in our society needs to be coherently and consistently expressed
2. The Six Principles of Human Rights in Public Services (or something comparable) should be widely publicised
3. Training of public sector workers should be based on the Six Principles and use interactive techniques allowing participants to test and develop "mental models" of the application of human rights to their work
4. Codes of practice incorporating human rights principles are likely to increase the commitment of public sector workers to adopting a human rights approach to public services
5. Greater involvement of service users in designing and delivering these policies is likely to accelerate human rights application in the provision of services
6. Instituting an annual Human Rights in Public Services award could crystallise the 'human rights message' and help to motivate public authorities and their staff
7. The design and analysis of qualitative assessments, such as user surveys, would benefit from the expertise of psychologists.
8. Psychologists could make useful contributions to the further development of policy in this area.

Introduction

The Human Rights Act 1998 makes it unlawful for public authorities to act “incompatibly” with the articles of the European Convention of Human Rights (ECHR) incorporated by the Act into UK law (Convention Rights). The Act therefore provides a minimum guarantee to protect people’s human rights in relation to, as is discussed in this report, the provision of public services. The Act’s purpose, however, goes further than requiring bare compliance on the part of public authorities to avoid legal action. By virtue of the legal doctrine of ‘positive obligations,’ public authorities may also be required to take positive action to respect and protect people’s human rights. In order to achieve this objective, public authorities need to use the rights-based framework that the Act provides in the design and delivery of public services. The Act, therefore has an impact both as a law which requires protection of rights but also as a tool which should be employed to improve public service practice.

Moreover, the Convention Rights are based on the principles of fairness, respect, equality and dignity (the “FRED” principles, Butler 2005) and these principles are fundamental to the provision of high quality public services. Human rights principles, therefore are intended to transform the way in which public services are delivered so that users are always treated fairly, equally and with dignity and respect. This has been described as the “human rights approach” and it has been argued that if public authorities adopted such an approach to the provision of public services, the risk of violations occurring should be reduced and overall standards should rise, leading to improved services for all (Butler, 2005).

The ambition that the Act should lead to a “*culture of respect for human rights*” within public service institutions was central to the Government’s thinking at the time that the Act was passed (Irvine, 2001) and continues to drive the Department for Constitutional Affairs’ continuing programme for the Act’s effective implementation (Falconer, 2004). Institutionalising human rights thinking into public service provision is a key aspect of work of the DCA’s Human Rights Division. The Head of the Division recently described the outcome that the Department is looking for:

The result we want is for public sector services to protect and respect individuals’ human rights and incorporate key human rights principles into service delivery (Department for Constitutional Affairs, 2005).

There is an identifiable need for this programme to succeed. Recent research among users of public services commissioned by the DCA revealed that human rights principles:

... were considered to be, all too often, absent or lacking in the treatment people receive from health, social and council services (ibid).

The DCA’s Human Rights Division is therefore reviewing the effectiveness of the policies that it already employs (such as training and guidance) and is considering the merits of implementing new ones (such as target setting).

The “frequent” users of public services surveyed for the DCA said that they “*would welcome more consistently empathetic, respectful treatment*” by the people who provide

services to them. What this boils down to is the need for individuals providing public services (such as care home staff, social workers, medical professionals and housing officers) to treat users of those services fairly, equally and with respect for their dignity, as the Act ultimately requires. To achieve this will require, in the case of those individuals who fall short of these standards, in psychological terms, changes in both their behaviour (more specifically patterns of behaviour) and their attitudes.

What can psychological science contribute to achieving these objectives? Psychology is the scientific study of people: how they think, how they act, react and interact. By studying human behaviour and mental processes, and how these interact with the external environment, psychology's goal is to describe, understand, predict, and modify behaviour. Any policy initiative that is intended to have an impact on people's behaviour and attitudes is likely to benefit from psychological insights into its effectiveness.

The purpose of this report is to set out some evidence-based psychological principles which can inform policy options for wider implementation of the Human Rights Act within public services. The aim is to assist the DCA's Human Rights in Public Services programme but also to influence policy-makers working on related issues in other government departments. We hope also to provide some useful insights to inform the human rights strategy of the forthcoming Commission for Equality and Human Rights.

As far as we are aware, this is the first joint venture between psychological science and human rights policy and, as such, it provides some outline recommendations and offers a springboard for further research and inquiry. In particular, the matters discussed in this report may need to be revisited in the light of primary research being undertaken under commission from the DCA among public service providers (Department for Constitutional Affairs, 2005).

So far as the remit of the report is concerned, it should be emphasised that we are not dealing with circumstances in which a clear breach of Convention Rights has occurred and where legal action is necessary. Ours is the grey territory where standards may have fallen short of the FRED principles, the shortfall may not be sufficiently actionable under the Human Rights Act but justice requires remedial action. Our intention is to focus on strategies that will not only help prevent slippage in human rights standards but actively to encourage the implementation of a human rights approach because of the likely improvements in public services overall. In this report, we do not deal with the human rights implications of policy planning, for example, rationing in healthcare where discrimination is a live issue. The report confines itself to the day to day delivery of public services by front-line workers and the psychological consequences for those individuals of particular policy tools. We are aware that this remit is quite narrow and that the consequence may be an unintentional under-emphasis of the significant systemic and organisational changes that also need to take place to embed a human rights approach within public service institutions.

The other unintended consequence of our relatively narrow inquiry is the lack of attention paid to issues affecting public service employees themselves. These individuals are also subject to the protection of the Human Rights Act and are entitled to be treated fairly, equally and with dignity and respect whether by their managers or by users of services. We acknowledge, though we only mention in passing, the psychological science that supports the theory that users of public services are more

likely to be treated properly if the people providing services to them enjoy comparable good treatment.

This report represents a convergence of different disciplines (psychological science and human rights policy) and the authors have reviewed the literature in both disciplines that is relevant to the present inquiry. In addition, the British Psychological Society hosted a seminar of experts which included representatives of the Society, experts in applied professional psychology, psychological perspectives on diversity and exclusion, applied psychologists and academic social psychologists as well as experts on the Human Rights Act and its implementation. The views expressed at the seminar have informed the content of the report.

The report first briefly considers the relationship between psychology and human rights (section 1) and then outlines key psychological principles relevant to modifying behaviour and attitudes in this context (section 2). The report then goes on in section 3 to consider factors that are relevant to advancing the value of human rights, and then in section 4, it examines how policy and strategic tools can best be employed in the light of the scientific evidence. Section 5 contains our conclusions and recommendations.

1. Psychology and human rights

Psychologists welcome the aim of developing a culture of respect for human rights which this report addresses. As clinicians, psychologists frequently treat patients whose human rights have been infringed and this work has led to greater understanding of the need for human rights protection of vulnerable people. Psychologists work every day with people receiving mental health care under compulsion, as well as with people who cannot care for or make decisions for themselves. In mental health services, psychologists work with some of the most socially excluded and discriminated-against sectors of society; with people who have been abused and assaulted, victims of domestic violence and rape, as well as with the perpetrators of such abuse. The related issues of human rights and the provision of high quality public services are therefore of everyday professional importance. In each case, the ethical bases of our profession, our evidence-base and our theoretical understanding have informed our approach (Kinderman, 2001).

1.1 Psychological complexity

In psychological terms, the task – to implement a human rights approach more widely within public authorities so that users of services are always treated equally, fairly and with dignity and respect – is complex. This report is not a purely academic exercise – it is not an attempt to analyse or explain behaviour and attitudes in relation to human rights, either at an individual or at a societal level, except insofar as such an analysis relates to practical recommendations. Nevertheless, notice should be taken of the work of social psychologists investigating notions of identity. The concept of human rights speaks to shared societal notions of reciprocal relationships – the psychological ‘glue’ of societies. This, necessarily, raises questions of identity, for example “Britishness” and the degree to which people absorb or incorporate group norms or shared identities. In

this case, we are concerned with the extent to which people might identify themselves with the statements of societal norms codified within the Human Rights Act.

Our sense of 'identity' or 'self' is complex. In psychological terms, people's sense of self appears to be dynamic, multi-faceted and to consist of a "shifting array of accessible self knowledge" (Markus & Wurf, 1987). Amin Maalouf (2000), who discussed in a strikingly intelligent and lyrical book how 'identity' is a complex and fundamentally individual concept, made a similar point. Maalouf further commented on how a person's identity is now less dependent on the circumstances (geographical, cultural and social) of their birth and more a product of the cultural and social circumstances of their upbringing.

This report is, because of the professional background of its psychologist author, focused primarily at the level of individual behaviours and beliefs. Its recommendations, therefore, follow from that perspective. Addressing individual beliefs and behaviours is important in implementing a human rights approach and ensuring compliance with the Human Rights Act. It should be remembered, however, that such beliefs and behaviours are also shaped by aspects of the workplace (see, for instance, Furnham, 1997) which are outside the remit of this report.

One particular issue of relevance for public sector workers, for example, is the concept of burnout. Burnout has been defined as a state of physical, emotional and mental exhaustion that occurs when workers feel overburdened by the demands of long-term involvement in emotionally demanding situations (Maslach, 1982). The effect can be to instil feelings of lack of accomplishment on the job and negative, cynical and depersonalising attitudes towards service users (Maslach, 1982; Cahill, et al., 2004; Muijen, 2002). These matters are clearly relevant to the successful implementation of a human rights approach within public services and deserve further consideration. Particular attention, therefore, should be given to occupational psychology which is concerned with the performance of people at work and in training, with developing an understanding of how organisations function and how individuals and groups behave at work. It is worth noting in passing that the Civil Service is one of the largest employers of occupational psychologists.

Other, further, policy recommendations may follow from analyses focussed on different areas within the 'family of psychology' including academic psychologists (such as social psychologists) and applied psychologists (such as clinical psychologists) who provide public services which are the subject of this report in addition to analysing the psychological aspects of service delivery.

1.2 Is it possible to effect change?

Positive changes in behaviour can be achieved through legislation because certain action can be made illegal. The consequence may then be a parallel change in societal attitudes. Baroness Greengross, recently commenting on the Race Relations Act, stated:

Legislation alone cannot change attitudes, which are behind a lot of discrimination. However, it can change behaviour, which is a necessary first step. When I was a student, I remember that landlords could display notices saying which categories of people they would not allow to rent rooms or flats in their

properties. The minute this became illegal, there was a step change. That started us on the road to banning discrimination on the grounds of race. Recognition by society that such behaviour is unacceptable is a necessary first step, introduced through legislation (Hansard, 2005).

Since the legislation in the 1970s banning discrimination on grounds of race or gender, it is now commonly accepted that racist and sexist attitudes are unacceptable. Campaigners on behalf of disabled people, lesbians and gays and older people are working to combat discriminatory attitudes towards disabled people, homophobia and what has come to be known as “ageism,” notably without the benefit of decades of legislative support banning discriminatory behaviour. Another example of a societal change in attitudes that followed legislation to curb behaviour is drink driving. Since the legislation banning it, attitudes have changed and it now seems socially unacceptable for someone to say to a guest “have one for the road”. In comparison, the decrease in social tolerance for smoking seems to be ahead of legislative proposals for an outright ban in public places.

Can the Human Rights Act be used to ensure that providers of public services respect all users of public services and in particular that they protect vulnerable people in their care? The examples provided would suggest that change is indeed possible. To maximise the potential for such change, the lessons available from psychological science should be coupled with the available policy tools. Baroness (Shirley) Williams stated in a House of Lords debate on the Human Rights Bill that “*a culture of human rights in this country depend[s] on two pillars: prevention and enforcement*” (Hansard, 1998). Psychologists would respectfully suggest that prevention and enforcement are incomplete tools for developing positive attitudes and behaviours. Our intention with this report is to suggest some alternatives.

2. Psychological theories of attitude and behaviour change

A report was recently prepared for the Prime Minister’s Strategy Unit on psychological approaches to personal responsibility and behaviour change with the object of assisting the development of policy on a wide range of issues: alcohol and drugs, crime, disability, waste and energy, public health, welfare reform, pensions and climate change (Halpern and Bates, 2004). As the authors state:

Nearly all public policies rest on assumptions about human behaviour. However, these are rarely made explicit, or tested against the available evidence (Halpern & Bates, 2004).

Halpern and Bates suggest that psychological theories of attitude and behaviour change can be used to inform the design and delivery of policy from strategy, planning and implementation through to evaluation.

The public policy challenge for the Department for Constitutional Affairs is to identify and implement the most effective methods that will enable the development of a “*positive attitude to human rights issues*” within public authorities with responsibility under the Human Rights Act (Home Office, 2000). In psychological terms this is likely to involve changes both in the behaviour (or more specifically patterns of behaviour) of persons

delivering public services and changes in the attitudes and belief systems of those individuals.

This section outlines the relevant psychological principles and available evidence which are likely to inform further policy implementation in this area.

2.1 Levels of psychological explanation

The psychological principles relevant to developing public services in a manner consistent with respect for human rights are different depending on the level of psychological analysis. In broad terms, these psychological principles can be separated into individual and social models, with social psychology being further differentiated:

- a) Individual – describing the behaviour of individuals;
- b) Interpersonal – describing the relationships between individuals;
- c) Group – stressing the dynamics among individuals working within institutions; and
- d) Community – referring to the interaction between individuals in organisations and those who are outside the organisation, for example, users of the organisations' services (who are the beneficiaries of human rights protection).

These different levels of analysis can also be divided into the broad theoretical traditions of psychology; the most pertinent of these being behavioural and cognitive approaches. At the level of individual behaviours, therefore:

- a) Behavioural psychologists may examine the contingencies of reward and sanction that shape particular behaviours;
- b) Cognitive psychologists may examine the attitudes and guiding belief systems that shape individuals' behaviour; and
- c) Social psychologists may examine how the behaviours and belief systems of individuals are developed and shaped through their interactions with others, or may examine the complex and collective behaviour and shared belief frameworks of groups of individuals.

Psychological science consists, at least in part, of the identification of rules that govern (for the purposes of this report) the development and maintenance of patterns of behaviour and attitudes. Since humans are complex creatures, these rules are complex. The principles that govern behaviour are not always the same as those that govern the development or maintenance of belief systems or attitudes, yet behaviours tend to be dependent on belief systems. Importantly, the rules and contingencies which govern human behaviour operate differently for individuals, for dyads (two people interacting), for small groups, for large groups and for societies. Even when examining relatively simple systems, human behaviour differs according to the situation or context.

2.2 Psychological reactance

People are not passive creatures who are impinged upon by their environment. Instead, people actively respond to their environment: they process information about what is

happening to them, make sense of it in the light of their prior experiences and form complex explanatory frameworks to understand their world (Anderson, 1983; Neisser, 1967; Johnson-Laird, 1985). People also actively consider their possible responses to new circumstances in terms of a wide range of factors including moral and spiritual issues, their beliefs and attitudes, the impact of any choices made on their “self-concept” (i.e., their understanding of themselves) and the probable consequences of any actions for them as individuals and on the people around them (Ajzen & Fishbein, 1980; Ajzen, 1985). It cannot be assumed that people will respond as is intended.

In a variety of situations, and for different psychological reasons, people frequently resist change imposed upon them. There is a danger, therefore, that effects of any new policy can be counter productive. This is known in psychology as “reactance.” Since this principle operates as a brake on any proposed policy action and needs to be borne in mind in relation to all options, it is the first psychological principle that we outline in this report.

Psychological reactance occurs when we feel that another person is trying to coerce us to do something or to change our opinions, Our response is to dig our heels in, to argue back and even to adopt intellectual positions which may be more oppositional (and therefore extreme) than we would naturally have held. In psychological terms, reactance occurs when the coercion or persuasion leads to negative emotions or cognitions (irritation, disillusionment or surprise) on the part of the recipient. This principle confirms that, subject to the social influences described below, people prefer to retain autonomy over their thoughts and their actions

2.3 Behavioural psychology

Behavioural psychology examines how behaviours are shaped and maintained by the learning of associations between stimuli (e.g. a bell ringing at meal times) (Pavlov, 1927), through the application of “schedules of reinforcement” (Thorndike, 1898) or in the processes that govern the learning and internal symbolic representation of those expected contingencies. Much of behavioural psychology is based on the Law of Effect (Thorndike, 1898), which states that behaviours followed by positive consequences are more likely to be repeated, while behaviours followed by negative consequences are less likely to be repeated.

These simple rules can, in theory, be translated to the subject matter of this report: behaviours that promote human rights principles could be rewarded or reinforced while behaviours that fall short could be subject to sanction. Such an approach has difficulties, however. In practice, the application of both rewards and sanctions often has unintended consequences that lead to the opposite outcome to that desired.

2.3.1 Rewards

In psychological terms, for rewards or motivators to be maximally effective, the criteria relevant to their application should be measurably and operationally defined. Although (as we will discuss briefly below) it is possible to reward people who do not expect rewards, it is obviously necessary that the person (or organisation) administering the

reward has a clear idea as to when the target behaviour has occurred, and it is normally considered optimum for the individual receiving the reward also to be so aware. Effective learning also generally requires the reward to follow soon after the behaviour to be rewarded.

Moreover, when rewards are applied, unexpected complexities may result. A psychological study involving rewards given to infant-school children provides an illustration. The children were given 'Magic Markers' to play with. Some were randomly selected and told that they would be rewarded for drawing with them, the others were not promised any rewards. Two weeks later, the children who had received rewards were less likely to volunteer to play with 'Magic Markers' than the children who had not received a reward (Lepper, Greene & Nisbett, 1973). It was established that the promised rewards ("extrinsic motivation") had undermined the children's intrinsic interest in something they had previously enjoyed.

When rewards are associated with behaviours, people occasionally 'work for the reward'. That is, people may simply perform the limited and specific actions that are expected to result in the reward instead of actively engaging with the organisational goals that underpin them. The effect will be off-putting for the individuals involved. Importantly:

The fact is that extrinsic motivators do not alter the attitudes that underlie our behaviours. They do not create an enduring commitment to a set of values or to learning; they merely, and temporarily, change what we do (Kohn, 1993).

Active reactance can occur, paradoxically, through the incentive of rewards. In one psychological study (Linder, Cooper & Jones, 1967), American college students were rewarded with differing sums of money for writing essays that supported constraints on freedom of speech (a topic on which students tend to express liberal views). The study found that larger rewards led to a retrenchment of attitudes that run counter to the direction of reinforcement – that is, being powerfully rewarded for making statements condemning free speech tends to make one more liberal.

2.3.2 Sanctions

Sanctions, or what psychologists call 'punishment' refer to stimuli (things happening) which, if consequent upon certain behaviours, reduce the likelihood of those behaviours being repeated. As mentioned in the introduction, we are not dealing here with punishments for infringement of the law but sanctions for failure to meet service delivery standards. Naively, the application of sanctions to influence behaviour might be thought simple: if certain behaviours are undesired (e.g. ageist comments to older people using public services), then punishment (whether criticism, disciplinary procedures or redeployment to more menial duties) should result in a reduced likelihood of the behaviours being repeated.

It is a well-established principle of behavioural psychology, however, that punishment eliminates rather than encourages behaviour (Haralambos et al, 2002). At best it lessens the likelihood of undesired behaviours being repeated, but punishment does not increase the likelihood of positive behaviours being repeated. Punishment applied in the

context under review is likely to lead to reactance. There is a likelihood that the use of sanctions with the intention of fostering a culture positive towards human rights would lead to a retrenchment of negative attitudes which would be completely counter-productive.

Interesting psychological lessons can be drawn from the following example. In 1999, three police officers were brought before a disciplinary board for allegedly making racist comments while on a race relations training course. The officers were found guilty of inappropriate behaviour, but the board ruled there should be no further action. They were cleared of any wrongdoing on appeal a year later. What makes this story relevant is the role of the (then) Metropolitan Police Deputy Commissioner Sir Ian Blair, who publicly commented at the time that the police officers should be “punished”, if the allegations were proved. The three officers successfully sued the Metropolitan Police for racial discrimination and in 2005 were awarded £90,000. The Employment Tribunal ruled that the Deputy Commissioner’s actions were unlawful because they could have unfairly influenced the disciplinary hearing, and that he had effectively “hung his officers out to dry” to prove his anti-racist credentials. In addition to being judged unlawful, such a response can be seen as highly likely to encourage reactance - a paradoxical negative attitude towards issues of diversity.

A better approach, from a psychological perspective, may have been for the Deputy Commissioner to have made his views clear, after the conclusion of any independent disciplinary action with statements such as: "racist remarks are unacceptable and will not be tolerated. I have made sure that the officers in question know that". Such a position would, psychologically, have ensured that the officers involved would have been "punished" (criticism from the Deputy Commissioner being sufficient punishment itself), the message concerning diversity would have been clear, and reactance would have been avoided.

It should be noted in this context, therefore, that apparently ‘soft’ punishments can be effective. For a public sector employee, working within the spirit of the public service ethos, criticism for delivering sub-optimum services is likely to constitute effective punishment for most people – without the need for tangible punishments. Psychological science shows that to be criticised (whether by colleagues, admonishment by superiors or to be the subject of complaints by service users) is almost invariably aversive (meaning that people will do what they can to avoid it) (Bandura, 1986). Such social sanctions, subject to the caveats listed above, are usually the most powerful means of encouraging behavioural change.

For psychologists, effective use of sanctions depends on the unacceptable behaviour being clearly defined and the consequences for it being consistently applied. The aim is to set the sanctions at an effective, but not excessive, level, so that the behavioural effects are achieved, but the negative consequences are minimised. This can be achieved through written codes of ethics or conduct. These are discussed in section 4.

2.3.3 Compulsion

Compulsion might be thought of as a successful strategy – “since public authorities need to adopt a human rights perspective, let’s make it compulsory for individual employees

to...” Compulsion entails (usually) some application of the Law of Effect – for something to be compulsory, sanctions (punishments or withholding of reinforcement) must follow its non-occurrence. The caveats referred to in the discussion about sanctions above will apply.

In psychological terms, increasing the range, scope and importance of compulsion may be counter productive. With few exceptions, compulsion is viewed by those subject to it as aversive (Hayes, & Maley, 1977). And if aversive, people will have negative reactions, will resist and will, through the process of reactance, end up less positive towards the principles that lie behind human rights than they would otherwise have been. This is most likely to be the case if people are compelled to perform specific and identifiable acts without having a correspondingly positive or open attitude towards it.

Halpern and Bates (2004) comment that (p 31) “*compulsion ... reduces choice and the scope of personal responsibility*” – the benefits of increased personal responsibility among citizens, for example for their health, being the central object of their report. In the context of improving public services and promoting a culture of fairness, respect, equality and dignity, such personal responsibility on the part of public sector employees is clearly desirable.

2.4 Cognitive models of behaviour change

Cognitive psychologists suggest that behaviours are largely governed by complex belief systems (described by psychologists as “cognitive scripts” or “mental models of the world”) (Anderson, 1983; Neisser, 1967; Johnson-Laird, 1985). People make active sense of their circumstances. Social psychologists argue (Ableson, 1976; Rumelhart, 1991; Planalp, 1985) that cognitive scripts - people’s interpretative framework - shape judgements and behaviour over a wide variety of psychological tasks (decision-making, memory, impression formation, judgements etc).

But these scripts also constrain the way information is processed. In general, humans do not interpret information in a scientific manner. Therefore their belief systems and attitudes are not carefully honed abstractions from an intellectual analysis of circumstances but are developed in idiosyncratic and personal ways on the basis of concrete, episodic experiences (Ableson, 1976). The effect is that material (especially material related to social interactions) is processed in the light of the pre-existing mental model pertaining to that situation, guiding consequent behaviour. People can therefore develop particular belief systems that shape their decisions and actions that are biased. In that context, pressure or even powerful reinforcement may mean that people develop attitudes of reactance such as “I’ll do it, but I don’t believe in it” or “I’ll only do it for the reward” or “it cannot be worth doing if they make me – or bribe me to – do it.”

This principle is relevant here for several reasons. First, it strongly implies that formal teaching of complex behaviours should explicitly address the cognitive scripts, the attitudes and belief systems, of the learner (Kinderman & Humphris, 1995; Goldstein, Wickstrom, Hoyson, & Jamieson, 1988; Gioia, Donnellon, & Sims, 1989; Goldstein & Cisar, 1992; Ulicny, Adler, & Jones, 1990). Second, the fact that pre-existing belief systems influence future interpretations and judgments means that the earlier these attitudes can be assessed and addressed the more effective the intervention is likely to

be. Finally, because such attitudes are not rationally based, it means that personal involvement in attempts to assess and address such attitudes is crucial because abstract intellectualising is unlikely to offer much to aid the learner (Tannen & Wallat, 1986).

Thus the concerns expressed above concerning the possible negative effects of punishment – that inappropriate punishment or punishment inappropriately applied may engender changes in thought and belief that have the opposite effect to that intended – and the same concerning inappropriate rewards or rewards inappropriately applied are all dependent upon changes in the beliefs of the individuals concerned. And, indeed, the basic premise of this report reflects this fact – that the Government is committed to encouraging the development of “*a society in which ... there is mutual respect between communities based on understanding and valuing of diversity and on shared respect for equality and human rights*” (Equality Bill, 2005). It is noteworthy and appropriate that these are aspirations to change attitudes, not merely to change behaviours.

2.4.1 Theories of reasoned action and planned behaviour

The theory of reasoned action (Ajzen & Fishbein, 1980) is a model of behaviour that incorporates the individual’s attitudes and thoughts. It explains the occurrence of behaviour on the basis of the individual’s rationalising of their intention to perform the behaviour which is believed to be the result of an integration of two factors:

- the individual's attitude toward performing the behaviour; their beliefs about the likely positive or negative consequences of performing the behaviour, and
- the individual's subjective beliefs or perceptions of the social (or normative) pressure exerted upon him or her to perform or desist from performing the behaviour.

If individuals believe that the consequence of a particular behaviour is positive, and they also believe that society generally wants the behaviour to be performed, the intention to act will be high, and the behaviour is likely to be performed. In contrast, if the consequences are thought to be negative and the individuals believe that society generally frowns on it, the behaviour will not occur

But the theory of reasoned action also predicts that behaviours will not necessarily be performed, even if individuals believe that positive consequences will follow, if the individuals also believe that society frowns upon the behaviour. And, finally, this theory suggests even behaviours that are believed to have negative consequences will occur if the social pressures are strong.

The theory of reasoned action was revised and expanded by Ajzen (1985), and renamed the theory of planned behaviour. He suggested that some behaviours do not occur, even when the theory of reasoned action suggests they should. Ajzen suggested that a third influence was also relevant. Called “perceived behavioural control”, it suggests that the degree to which the individual believes themselves to be able to behave or not behave in a particular way is also pertinent.

The theories of reasoned action and planned behaviour assume that humans are capable of rationalising their options and can choose their actions, but these assumptions may not be true. A number of specific cognitive theories indicate that people may often be subject to biases and irrationality which influence their behaviour

2.4.2 Causal attribution

People make active attempts to understand their social world. Kelley, in particular, suggested that people act as 'lay scientists', attempting to find explanations for events in their social environment (Hewstone, 1989). Causal explanations are both common and important elements of cognition. Zullo, Oettingen, Peterson and Seligman (1988) estimated that one explanation is found in every 100 words of ordinary speech.

2.4.2.1 Self-serving biases

Most people seem inclined to defend their self-esteem by attributing negative events (failures etc) to external factors (Taylor (1988). This defensive pattern appears largely absent in depressed individuals (Sweeney, et al., 1986). People therefore, and public servants too, may be motivated to explain away and minimize mistakes. This has considerable implications for behaviour change strategies.

2.4.2.2 The fundamental attribution error

A related concept is the fundamental attribution error. Provided they are not depressed, people generally tend to explain the actions of other people in dispositional terms (he was rude to the patient because he is a rude and arrogant person) but tend to use situational attributions for their own behaviour (I was rude to the patient because I was very tired and stressed). As Halpern and Bates (2004) point out, it may lead public servants to be inappropriately blamed in direct personal terms when things go wrong, and to inappropriate expectations for performance being made of individuals. This may also lead to quite inappropriate proposed solutions. If blame is laid at the feet of individuals, then the relevant structural, systemic or environmental factors may be overlooked.

2.4.3 Heuristic reasoning

Tversky and Kahneman (1974) suggested that many human decisions are made in conditions of uncertainty – with people being limited in how much information they have access to, can process or recall and pressured for time. They suggested that people use 'heuristics' or shorthand decision-making rules to enable them to act. Heuristics are believed to exist to assist normal human functioning. Rapid, 'rule-of-thumb', reasoning processes appear to free people from the need to make formally logical, syllogistic, reasoned judgements in all cases. These heuristics make rapid (and usually trustworthy) judgements possible, but they also have the tendency to introduce bias.

2.4.3.1 Availability heuristic

When people use the availability heuristic, they judge the likelihood of events on the basis of the ease with which examples are brought to mind - their availability. Like all heuristics, this is not so much irrationality as short-cutting. The availability heuristic can lead to irrationality, however, if the example used as the basis for judgements is memorable by its extraordinariness rather than its ubiquity. Media coverage of airplane crashes is highly available, highly memorable, but is an inappropriate basis for making judgements about travel arrangements.

2.4.3.2 Representativeness heuristic

When making quick judgments about people, objects or event, decisions are often based on how closely the person or circumstance resembles a stereotype. This can mean that other relevant information – other than the fact that they resemble a stereotype – is often overlooked in the decision-making process. Clearly, stereotyping is a psychological phenomenon closely related to prejudice and discrimination, and is therefore particularly pertinent in the context of human rights.

2.4.4 The confirmation bias

The philosopher of science Karl Popper (1963) proposed that the best way to evaluate a theory was to look for evidence that could refute it. However, Wason (1966) showed that most people do the opposite – they show a strong tendency to seek information that could confirm a hypothesis rather than disprove it. This tendency has been called the confirmation bias.

2.5 Personal consistency in attitudes and behaviour

Psychologically, people are more likely to behave in a particular manner, and to hold a particular set of attitudes if they believe that the behaviours or attitudes in question are self-generated or at least are entirely consistent with pre-existing views (Fishbein, 1967).

2.5.1 Cognitive dissonance

Festinger's (1957) work on cognitive dissonance suggests that people seek to minimise discrepancies between their beliefs (and their stated beliefs) and their behaviour. When people behave in a manner inconsistent with their beliefs, they are motivated to reduce the consequent 'cognitive dissonance'. One way in which cognitive dissonance is reduced is by changing their values or attitudes rather than their behaviour. For example, if someone accepts what they believe to be a free sample, and subsequently gets charged for the item, they may pay, and then increase their estimation of the value of the object in order to justify the unexpected cost.

2.5.2 Declarations of commitment

People will change their behaviour so that it coincides with their expressed beliefs. For example, people who agree to 'watch over' someone else's property are more than four times more likely to attempt to prevent a subsequent (staged) theft than those who are aware that something is being stolen but who have made no such prior commitment. An experiment found that only 20% of people would intervene if they noticed a stranger's portable radio being stolen from their temporarily unattended beach towel. But, if people nearby were asked to keep an eye on the property for a brief while, 95% of those who had agreed actually intervened to stop the supposed thief (Moriarty, 1975). This suggests that the declared commitment of the individual – an informal contract based on beliefs or intent – is an important determinant of behaviour.

Such public statements of intent, especially regarding matters of principle, are powerful motivators (Stulfs & Meese, 1985; Schlenker, Dlugolecki & Doherty, 1994). This principle lies behind a number of civil contracts such as oaths of office and swearing of allegiance. Home School Agreements made between parents and schools are designed to encourage adherence to a pre-agreed set of behaviour, Ordinary social acts such as the making of New Year Resolutions and the statements made publicly (if amongst a confidential circle) at 'Alcoholics Anonymous' and 'Weight watchers' meetings are similarly based on the effectiveness of such commitments on achieving subsequent behavioural consistency.

The importance for most people of attaining and maintaining personal consistency means that such public declarations of commitment can be a powerful means of eliminating psychological reactance. Reactance occurs if people feel that unwelcome change is being imposed upon them. But if they have, themselves, not only agreed to the changes desired, but have publicly committed themselves to such changes, there are likely to be far fewer of the negative emotions that fuel reactance. Rather than being motivated to generate reasons to undermine the policy initiative (in this case), the individual is likely to be motivated to support what have been acknowledged to be their own goals.

2.6 Social context and social learning

Psychological theories of behaviour change that focus on the individual (as outlined above) should be understood in the light of social or interpersonal theories of learning and behaviour change. Such approaches stress the importance of the interpersonal environment – emphasising the role of normative beliefs in the theory of reasoned action and planned behaviour – and incorporating the influences of social networks, social feedback, role models etc. Many psychologists believe that a proper account of human behaviour cannot be gained by examining the individual alone, but must additionally focus on the individual's relationships with those around them.

2.6.1 Social learning theory

Bandura (1986) established the role of social factors within a broader behavioural tradition. In social learning theory, a range of non-tangible motivators - including such

things as praise or criticism from peers or other influential people – shape behaviour in a manner predicted by the Law of Effect. In addition, however, social learning theorists stress how people appear naturally inclined to copy the behaviour of other people. In social learning theory, contingencies of behavioural reinforcement are of lesser focus than personal factors that relate to people's ability to develop behaviours within a social context (Bandura, 1986). One of the key concepts in this respect is self-efficacy.

2.6.2 Self-efficacy

Self-efficacy (Bandura 1977) refers to a person's belief in their own ability to take action and to persist with that action. Higher levels of self-efficacy lead to higher motivation in the face of obstacles and a higher likelihood of persisting with a course of action without supervision or external pressure. Self-efficacy beliefs are an important element of the theory of planned behaviour, and self-efficacy is one of the strongest predictors of, for instance, health-related behaviour (Schwarzer, 1994).

Self-efficacy can be increased in a number of ways (Halpern & Bates, 2004):

Setting small, incremental goals: If a small goal is achieved, self-efficacy – confidence and motivation - is increased. This means that the next goal is more likely to be achieved, and a virtuous cycle ensues.

Behavioural contracting: If a formal contract is entered into whereby goals are established and rewards specified, people will receive feedback about performance, praise, and a tangible, motivating reward.

Monitoring and reinforcement: Such goal-setting, contracting and reinforcement require monitoring and record-keeping. Record-keeping is important on an organizational level (if behaviour is reinforced by institutions) and by individuals (keeping a record of weight loss can be very motivating even if one attends no formal sessions or meetings).

2.7 Social influence

Humans, of course, are social animals and they develop complex networks of social relationships. These may be based on family relationships, geography, friendship, working relationships, similarity and mutual dependency (House, 1981). The theories of reasoned action and planned behaviour – because they incorporate social normative beliefs – explicitly acknowledge the fact that the attitudes of people within an individual's social network will strongly influence their behaviour – “*people will generally be far more influenced by the views of friends and family than by advice from government*” (Halpern & Bates, 2004). Liking or personal affiliation is an important factor in this context. People will generally be more inclined to do what they are asked to do by people that they like. The term ‘social capital’ has been coined to describe the collective networks, norms, relationships, values and informal sanctions that shape the quantity and co-operative quality of a society's social interactions (Bourdieu, 1986). The ‘social capital’ theory suggests that social networks and cooperative social norms have value.

2.7.1 Authority

People appear worryingly ready to comply with authority figures whom they believe to be legitimate. The most notorious example is Milgram's well-known experiment (1974) in which people were persuaded to administer ostensibly life-threatening electric shocks to other people on the basis of little more than an experimenter's say-so. Milgram was motivated to investigate the traditional plea of the servants of despots that "I was only obeying orders", and found that many people will do what figures of authority tell them to do. The ultimate example of this, for some people, is the compliance of the German people to the authority of the Nazi State (Kelly & Thibaut, 1978).

Examples of the power of authority in every day life include the failure of junior staff to challenge their superior's decisions even though they know them to be wrong and will lead to adverse consequences. Clearly, the obedience of people to figures of authority can be dangerous but it can also be potentially positive. Emergency service personnel, for example, can use their authority to save lives.

Authority can be established in a number of ways (Halpern & Bates, 2004):

Expertise –	Knowledgeable people command authority
Information –	People can be persuaded through the sharing of appropriate information
Legitimacy –	Authority is established through social convention in some people (e.g., emergency services, police officers and doctors)
Referent authority –	If people identify themselves with the person trying to exert influence, that influence tends to be greater
Reward –	If people are rewarded for compliance, the rewarding body or person gains authority
Coercion –	Authority can be established if people are punished for non-compliance

It is argued that governments can boost their authority by using these processes in policy (Halpern & Bates, 2004). Expertise can be developed by strengthening the independence, legitimacy, competence and visibility of sources of public information and guidance. Halpern and Bates (2004) discuss the agencies responsible for regulation and promotion of food, drugs, medical statistics etc in terms of promoting authority in respect to health-related behaviour.

2.7.2 Social responsibility

It is an unfortunate fact that people are – occasionally – surprisingly unwilling to help one another.

2.7.2.1 Bystander apathy

In social psychology textbooks, the 1964 murder of Kitty Genovese in New York within the sight and hearing of her neighbours is frequently mentioned. American newspapers

commented widely on the callousness of the observers "Thirty-Eight Who Saw Murder Didn't Call the Police" (New York Times March 27, 1964). Following this coverage (which included the quote: "I didn't want to get involved"), psychologists investigated the psychological phenomenon known as bystander apathy. Generally, individuals will typically help another person if they are on their own, but (surprisingly perhaps) are less likely to help if other people are present (Latane & Rodin, 1969). The extent to which groups of people – on occasion - fail to help people in difficulty often shocks people.

2.7.2.2 Diffusion of responsibility

The most common explanation of bystander apathy is that each individual in a group will assume that someone else is going to intervene. Each individual feels a diffusion of personal responsibility and so refrains from acting.

2.7.2.3 Pluralistic ignorance

The diffusion of responsibility can lead to further problems. The theory is that bystanders monitor the reactions of other people in an emergency situation to see if others think that it is necessary to intervene. Since other people are also behaving in exactly the same way, each person interprets the inactivity of all other members of the group as evidence that help is not needed.

2.7.2.4 Prosocial behaviour

Fortunately, there are counterpoints to this pessimism and individuals can be motivated to help. In situations that demand positive action, the bystander effect can be subverted by picking a specific person in the group to appeal to rather than appealing to the larger group generally. This places greater responsibility on that specific person, instead of allowing it to diffuse. As mentioned earlier in the context of declarations of commitment, informal contracts can increase the likelihood of assistance by up to 400%.

This suggests that establishing personal responsibility, developing informal contracts and – importantly – taking personal responsibility for action are all important. Tellingly, people who intervene are more likely to have high levels of social responsibility and self-efficacy (Bierhoff Klein & Kramp 1991; Berkowitz & Daniels, 1964). It also suggests that an individual or group sense of ethical duty, prosocial cultural beliefs or indeed a sense of corporate social responsibility may positively influence behaviour.

Prosocial or altruistic behaviour may be a 'natural' or expected response by humans. There are powerful theoretical arguments that altruistic behaviour conveys selective advantage on social or group-living organisms (Caporael, 2001; Trivers, 1971) and, of course, humans are clearly social animals. The fact that human children, in particular, are very vulnerable and dependent (and dependent on a social system wider than their mothers alone) means that any cooperative or altruistic behaviour is likely to be evolutionarily advantageous. It is worth noting that, although people tend to be particularly helpful to people to whom they are related, a general tendency to altruistic

behaviour can be seen (Kruger, 2003). It seems that cooperation is natural, and conveys biological advantage on the human species.

2.7.3 Personal identification

Perhaps because of their direct impact on a person's ethical values and sense of personal responsibility, the "social influence" of face-to-face strategies have been shown to be more effective in changing behaviour than written information. Halpern and Bates (2004) cite the study comparing methods of seeking to increase voter turnout in the USA (Gerber and Green, 2000). Leaflets raised turnout by around 2.5%. Telephone calls were found to be ineffective. Face-to-face contact – someone turning up at your doorstep to remind you in advance – was much more effective, boosting turnout by around 10 to 15%.

2.7.4 Mutuality

Interventions aimed at changing human behaviour – at least of the type contemplated here – tend to be maximally effective when both parties have a roughly equivalent likelihood of benefiting (Kelly & Thibaut, 1978). Such 'mutuality' was again comprehensively discussed by Halpern and Bates (2004) who argued for increasing partnership between service providers and service users.

The combination of personal identification and public commitments – emphasising the benefits of consistency in attitudes and behaviours referred to above - is echoed in practice in the development of formal or informal contracts between services and service-users in a variety of settings. Such contracts build upon the various psychological principles outlined here. Thus, in a contract, a public declaration is made to adhere to a pattern of behaviour consistent with the declared attitudes. Such contracts are also made between individuals (between a head-teacher and a parent, for instance), which may help to develop a personal relationship between the parties.

Such contractual 'mutuality' has been seen in a variety of public services. In the area of crime and antisocial behaviour, explicit 'acceptable behaviour contracts' have been used with success. For example Bullock and Jones (2004) found that 88% of children who had signed such contracts said that they understood what would happen if they breached the contract and thought they were fair. Such contracts have been extended to parental responsibilities in the 2003 Anti-Social Behaviour Bill. In education, learning contracts have been drawn up between family and school, and between student and school, again with success. As above, the majority of students appear to retain copies of their learning agreements, and to recall the commitments to which they had ascribed (Ashworth et al, 2001).

3. Advancing understanding of the value of human rights

Psychological science suggests that behaviours (positive and negative) of individuals are largely dependent on their beliefs and attitudes. Public sector workers will have difficulty in adopting a human rights approach to the delivery of public services unless they understand both the value and relevance of human rights principles to the work that they do. This section considers how to draw on cognitive and social psychology theories to advance understanding of the value of human rights among individuals working within public authorities and delivering public services.

3.1 The importance of language

Language is extremely important in shaping attitudes and hence behaviour. Psychologists (Vygotsky / Kozulin, 1986) suggest that language serves to shape and organise thought – because it is through language that such thoughts are organised (Fivush, 1994). It follows, then, that a consideration of how the language of ‘human rights’ and the concept of the Human Rights Act are perceived within civil society will assist in developing policy responses.

The application of ‘human rights’ and the Human Rights Act in a domestic context is widely perceived in negative terms. Attitudinal studies and media reports show that human rights are often resisted and contested (DCA, 2005; Phillips, 2004a, 2004b). Human rights are also politically controversial since they have, in the words of Michael Howard MP, been used to advantage by “the wrong people”.

The Government’s expressed ambition at the time the Act was passed was to foster a “*human rights culture*” (Straw, 1999) but the notion of “culture” brings with it echoes of communist China, leading one commentator to refer recently to the “*coercive culture of human rights*” (Phillips, 2004a). The ‘human rights culture’ has been aligned with the so-called ‘compensation culture’ as illustrated by following complaint:

...the compensation culture grows ever more malign, while human rights lawyers grow rich (Daily Mail editorial comment, 2004).

The negative language that surrounds the domestic implementation of human rights is more prevalent (in the sense that it thrives in the media and therefore in the minds of many members of the public) than the aspirations of Government that human rights would be “*the language that you need to speak to win an argument*” (Straw, 1999). Psychological science suggests that, in view of the controversy over the term “human rights, it is possible that “reactance” will ensue if, in the absence of evidence to the contrary, people are baldly told that “human rights” as applied in this country are “a good thing”.

Public sector workers (i.e., those who work for public authorities with legal responsibility under the Human Rights Act) are also members of civil society and are as subject to media influence as anyone else. In implementing human rights more effectively within public service institutions, more information has to be provided to key workers on what they have to do to meet the requirements. If the language that surrounds “human rights” is predominately negative, public sector employees may experience “cognitive

dissonance” between what they hear about “human rights” outside work and what they are being told they have to do in order to implement “human rights” at work. The “theory of reasoned action” would suggest that employees might resist changing their practice (despite being told to) if they felt that that “human rights” were not of value in society as a whole.

The answer, psychological science would suggest, is to provide information to public service providers about human rights that uses the language of universal values such as fairness, respect, equality and dignity which underpin the legislation. In psychological terms, once people accept and adopt a particular belief system (in this case that human rights embody the principles of fairness, respect, equality and dignity which already exist as valued parts of their public service), the psychological principles will work favourably. Thus, evidence and argument will support existing belief systems, rather than resist change. “Heuristics” (shorthand decision-making rules) will be used which will be consistent with such beliefs (for instance, it may be assumed that services users will, rather than will not, be included in decision-making processes) and social contexts established which will make any required behaviour change more likely (for instance networks of personal contacts that include service users and reflect appropriate diversity of populations). Such changes will, however, take time.

There are small signs of change occurring, however, in the areas of life where human rights are being used and therefore how they are being reported. For example, the woman who successfully challenged her doctor’s refusal to prescribe the drug herceptin for breast cancer, spoke to the media in terms of her “human rights” (the right to life). As human rights are implemented more widely, especially in terms of achieving social justice, a “reinforcement” of their value is likely to impact on people’s belief systems.

3.2 Alignment with existing value systems

In order that people’s mental models of how the issues discussed here relate to their working lives are coherent and consistent, it is recommended that the awareness-raising about human rights be aligned within public authorities with existing public service value systems. The public service ethos cuts across all public sector work and comparable value systems also exist in particular sectors, such as the ethos of caring in social work, the Hippocratic Oath for medical professionals and ethical standards in local government.

In 2001, the House of Commons Public Administration Select Committee undertook an inquiry into the Government’s programme of public service reform. A wide range of experts and stakeholder representatives commented on the importance of such an ethos for public service provision. In its ensuing report the Select Committee defined the public service ethos:

... as a principled framework for action, something that describes the general character of an organisation, but which, and more importantly, should also motivate those who belong to it. As such, the right sort of public service ethos is clearly essential to any effective reform of the public services. We see the ethos essentially as a benchmark, against which public service workers and institutions

should continuously strive to measure themselves (Public Administration Select Committee, 2002a).

Most workers in public services are motivated by a desire to act in line with the principles of fairness, respect and equality and dignity. Indeed, what is known as “the equality and diversity agenda” deriving from equality legislation is well-established and commands widespread support. In addition, the new generation of public sector “positive duties” to promote equality are comparable to what is required under the Human Rights Act. From a psychological perspective, the most effective approach would be to remind public service workers that they already subscribe to the public service ethos and that the human rights legislation strengthens that ethos and that equality and human rights requirements are complementary.

3.3 The uses of human rights in public services

Despite the undoubted commitment of most public servants to the delivery of high quality services, all such individuals are daily faced with issues that cause consternation and distress whether on the part of service users or themselves. A human rights framework can be presented to key workers as an ethical and legal tool that they should use to deal with the conflicts and dilemmas that can arise. It is likely that the human rights framework will match people’s common sense instincts about a situation. By articulating the dilemmas in human rights terms, however, it may be possible to resolve conflicts in ways that are respectful of human rights.

For example, the patient in a North London hospital who reportedly refused to be treated by a nurse from an ethnic minority could be told that although she had a right to be treated with respect by medical professionals (Article 8), it was the hospital’s responsibility also to make sure that their own staff were treated with respect and without discrimination (Articles 8 & 14). Another example is the case about the local authority safety guidelines on using mechanical lifting hoists for handling severely disabled people (*R v. East Sussex County Council*, 2003). On the one hand, the health and safety of the nurses needed to be safeguarded, but on the other hand, vulnerable peoples’ human rights to dignity and avoidance of degrading treatment (Articles 3 & 8) needed to be ensured. The answer was to remove the blanket policy on using lifting devices because it failed to take into account the individual circumstances of the disabled patients and therefore was not a proportionate response to the problem.

The principles of human rights are consonant with delivery of high quality services and so to offer them as useful tools reflects, properly, the place of such principles in instilling best practice. Greater familiarity with and usage of a human rights framework, especially if it is put in the context of the public service ethos, is likely to increase “self-efficacy” and “social responsibility” among front-line workers. The cognitive processes within which people appraise their environments suggest that there are psychological benefits to presenting human rights principles as a useful tool. Since most public servants are proud of their work, they tend not to take kindly to what are perceived to be extra and unnecessary requirements. On the other hand, if public servants regard their work as challenging, they are likely to welcome assistance that can help rather than hinder them.

3.4 Political leadership and the importance of consistency

The agenda discussed in this report is ambitious. The principles underpinning the ECHR – fairness, respect, equality and dignity – should be part of the aspirational basis for public service reform and should receive strong political support. The incorporation of the ECHR into UK law has been hailed as one of the “proudest achievements” of the present Government (Lammy, 2005). Such sentiments are welcome, but require substantiation from the heart of Government. There is a pressing need for this.

As mentioned above, the concept of ‘Human Rights’ is often controversial and, in political terms, the Human Rights Act is under threat of amendment or repeal by a future government (the commission set up by the Conservative Party and chaired by Lord Fraser is considering these questions). Following the terrorist attacks of 7th July 2005, the Act is more frequently characterised as alien (imposed from ‘Europe’) and contrary to national security. The message received within civil society is a mixed one to the detriment of the legislation as a whole.

As we have seen, people strive for consistency in their belief systems (in order to avoid ‘cognitive dissonance’) but, because there is a limit to the conflicting messages that they can absorb, they reach for memorable examples (‘availability heuristics’) to guide them. People also tend to react most strongly to contrast. Therefore, what will stand out will be the one bad example in a sea of good examples. Bad news gets media attention while good news does not. Lord Falconer commented on these anomalies in a recent speech, suggesting that the Act was working because:

In reality, the Human Rights Act is about common sense – it does pretty much what our instincts judge to be fair and proper (Falconer, 2004).

The Human Rights Act needs to be accepted and respected across civil society as a corner-stone of the UK’s constitutional settlement. Political leadership is necessary to make three salient points about human rights: that the principles underpinning the HRA reflect our traditional values, that they are consistent with good governance and security and that they will improve public services. These points need to be made consistently across Government from the Prime Minister downwards and not just by the Constitutional Affairs Secretary and his ministerial colleagues. If the points are not made consistently on behalf of Government, people tend to exploit the gaps by responding “yes, but ...” when they are told something. The effect of this is to undermine people’s belief systems.

A recent and significant opportunity for central Government to make these points has just been missed. In his January 2006 speech on “Britishness”, Gordon Brown MP, suggested that “*our central beliefs are a commitment to liberty for all, responsibility by all and fairness to all*”. He referred to the “*golden thread*” running through British history from the 1215 Magna Carta to the 1689 Bill of Rights establishing “*the idea of government accountable to the people, evolving into the exciting idea of empowering citizens to control their own lives*” but he made no reference at all to the Human Rights Act 1998 (Brown, 2006).

The Government should emphasise that neither the Human Rights Act 1998 nor the ECHR undermine its efforts to guarantee our national security. Rather than publicly

declaring its intention to “get round” the HRA in order to ensure its counter-terrorism proposals can reach the statute book, the Government should state that it intends to ensure that suspects are treated fairly and proportionately but that it also has a legal responsibility under the Human Rights Act to take action to protect the right to life of everyone living in the UK who may be at risk from a terrorist attack. The crucial point is that, by adopting that approach, the Government will be demonstrating its respect for the legislation and the framework for decision-making that it offers. Whether civil liberties campaigners agree with the proposed measures is not the point here. The point is that the Government will be setting a good example of how to use the framework to balance conflicting rights that others (such as public authorities) can follow. There should be an acceptance that disagreement (say between government and the judiciary) about how it is applied in any particular case (say counter-terrorism policy) is healthy in a democracy.

From a psychological perspective, a message couched in these terms will be one that invites acceptance of the Human Rights Act rather than reactance to it, i.e., “the Government says my human rights not to be blown up are just as important as the suspected terrorists’ rights not to be detained without trial, and I agree with that” in contrast to what exists at present which is, “these terrorists suspects are going to be let out of prison because of human rights laws, we need to get rid of those bad laws”.

Political leadership is required to publicise the message that the principles of fairness, respect, equality and dignity that underpin the HRA are tools to help public authorities improve the services that they provide and that they are also tools that users of services can deploy to demand better public services. These points were made eloquently by ministers at the time that the Act was passed (e.g. the Home Secretary’s reference to the “*fairness guarantee for the citizen*”, Straw, 1999) and yet have not been central to Government policy on public services since the Act came into force.

In relation to public services, Government faces another challenge in its programme of reform and improvement. The notion of the public service ethos on which so much of the actual delivery of services depends is being undermined by “messages” from Government that private provision (which is not subject to the same ethos) is always better. Consistency needs to be maintained in the emphasis that Government gives to the need for high quality public services, whether they are delivered by the public, private or voluntary sector. The public service ethos should attach to the public service not the status of service provider.

We discussed earlier the extent of the influence of legitimate authority on behaviour and the ways in which authority may be developed. Halpern & Bates (2004) suggested (inter alia) that a source of expert, available information, established as legitimate, respected and seen by the public as representative, could act as powerful policy tool. With appropriate political and cross-Departmental civil service support, the benefits might be maximised. The forthcoming Commission for Equality and Human Rights is an obvious candidate for such a role.

3.5 Six Principles for Human Rights in Public Services

Psychology suggests the importance of “cognitive scripts” (belief systems) in developing people’s understanding of human rights. Because public sector workers, unlike other members of civil society, work for organisations with legal responsibility under the

Human Rights Act, they in particular need to develop an understanding of how to apply human rights in the workplace. They will need to be informed that the values of fairness, respect, equality and dignity are now underpinned by the law. Specifically this involves developing an understanding among public sector workers that these values are fundamental to the specific Convention Rights (the articles set out in the ECHR), the protection of which is required by law (the Human Rights Act). Public sector workers should be reassured that an approach to the delivery of public services that incorporates these values in practice will improve public services.

We suggest that these “scripts” on human rights, when designed for people providing public services, should take into account the following six principles (or something comparable):

- the Human Rights Act is a corner-stone of our constitutional settlement
- the values of fairness, respect, equality and dignity (FRED) underpin the Act
- these human rights principles complement existing value systems such as the public service ethos and equality of opportunity
- human rights principles can contribute to improving public services
- the human rights framework is useful in addressing the challenges of public service provision and
- a human rights approach to public service delivery will constitute best practice at the same time as amounting to compliance with the law.

Political leaders and other authoritative figures need to maintain the coherence of this “script” and deliver it consistently. The Six Principles constitute the first step in developing understanding of the Human Rights Act and its application to public services. It should form the basis for (or be adapted as criteria to apply in) the policy areas discussed in Section 4.

4. Policy options for implementing a human rights approach

The task is to identify the policy tools that provide the optimal psychological response in the quest to achieve successful implementation of a human rights approach within public authorities. Where should Government expend resources? A number of options are considered in this section.

4.1 Training providers of public services

The imperative, when the Human Rights Act was passed, was to make sure that public authorities complied with its requirements to avoid legal action being taken against them. The Act was therefore regarded as something that the lawyers would be dealing with and so its underlying values and principles were not incorporated into public service delivery. Consequently, the many individuals engaged in providing services to the public did not receive training on the Act. One estimate (Local Government Association, 2000; referred to by Joint Committee on Human Rights, 2003) suggested that only 6% of local authorities provided human rights training for all employees.

Following a survey of local authority implementation in 2003, the Audit Commission recommended (Audit Commission, 2003) that human rights training should be provided for all frontline staff involved in the delivery of services to the public and that it should be ongoing and integrated with existing training programmes. This may be relatively straightforward for employees who have a professional background – since periodic training, frameworks of competencies and continuing professional development (CPD) are part of professional practice – but may be more of a challenge in relation to other employees.

As we have seen from the previous section, because the term “human rights” triggers a variety of responses, the content of the information provided will be important. It will have to be coherent enough to dispel any “confirmation bias” derived from adverse media reports and it will have to be subtle enough to avoid any tendency towards reactance. This is particularly the case where training on human rights may be compulsory (because the Human Rights Act imposes legal obligations) so it will be necessary to avoid any tendency towards making people think they are required to adopt an imposed set of beliefs. This might be a risk if reference to the application of the Human Rights Act to improving public services was too baldly stated without proper explication. The risk is, however, likely to be ameliorated by reference to the underlying values which are part of most people’s belief systems and are universally recognised as guiding desirable acceptable behaviour.

In mental health services, a recent significant step towards embedding values in service provision has been the development of the “Ten Essential Shared Capabilities” (Department of Health, 2004). These lay out the competencies that all staff working in mental health services should achieve as a minimum part of their basic qualifying training. In addition they make explicit what should be included as core in the curricula of all pre and post training for professionally affiliated staff as well as being embedded in induction training, continuing professional development and in-service training. In summary they are:

- *Working in Partnership: Developing constructive relationships with service users, carers, families, colleagues, lay people and wider community networks.*
- *Respecting Diversity: Working in ways that respect and value diversity including age, race, culture, disability, gender, spirituality and sexuality*
- *Practising Ethically: Recognising the rights and aspirations of service users and their families.*
- *Challenging Inequality: Addressing the causes and consequences of stigma, discrimination, social inequality and exclusion.*
- *Promoting Recovery: Enabling service users and carers to work towards a valued life-style within and beyond mental distress.*
- *Identifying People's Needs and Strengths: Working to identify the health and social care needs of service users, carers, families and friends that is appropriate to preferred life-styles and aspirations.*
- *Providing Service User Centred Care: Negotiating achievable and meaningful goals from the perspective of the service user and their families.*

- *Making a Difference: Delivering best quality health and social care interventions that is evidence and values based.*
- *Promoting Safety and Positive Risk Taking: Empowering people to decide upon their own level of risk with health and safety*
- *Personal Development and Learning: Keeping up-to-date with changes and taking part in personal development through supervision, appraisal and reflective practice.*

As is evident, the Ten Essential Shared Capabilities explicitly refer to the human rights values of respect for diversity and the rights of users, challenging inequality and ensuring ethical practice. They offer a useful model of how public authorities might provide the basic ‘professionalism’ for all staff in human rights especially those at the front line of service provision. Investigation of their effectiveness would assist development of comparable guidance in human rights training.

For training to be effective, therefore, psychological science suggests that it should be based on explicit acknowledgement of the role played by “cognitive scripts” (the frameworks of beliefs and attitudes that shape behaviour and colour subsequent interpretations) and the use of pertinent and memorable examples allowing “availability heuristics” (bringing ready examples to mind) to occur (Kinderman & Humphris, 1995). Evidence on teaching complex attitudinal and behavioural issues suggests that personal engagement in the material is important (Kinderman & Humphris, 1995). This is likely to be particularly significant in the case of human rights issues, where initial attitudes may be neutral or even negative.

The application of these psychological principles in practice is illustrated by the public sector training undertaken by the British Institute of Human Rights (BIHR). The BIHR provides human rights training to a wide range of public sector workers including frontline service providers. The role of the Human Rights Act as a tool for improving the quality of public services forms the basis of the training programme. Trainees are encouraged to approach the Act not as a piece of ‘law’ but instead as a practical framework for improved decision-making. Real incidents are used to showcase the operation of this framework and are carefully selected for their relevance to the daily work of trainees. Trainees often remark that these examples are a highlight of training because they connect new learning with the trainees’ own professional experiences, while also injecting a crucial human dimension to the session. Wherever possible, trainees are encouraged to contribute their own examples as a basis for discussion and applied thinking about a human rights framework. This is particularly effective as a way of enhancing participation and instilling a sense of ‘ownership’ over the content of training.

BIHR’s practical experience also bears out the emphasis placed by psychological theory on a ‘value orientation’ in training. Trainees do occasionally enter training armed with ideological critiques of human rights and other reservations. Trainees are encouraged to reflect on the basic principles that underpin the concept of human rights, fairness, respect, equality and dignity. This anchors a human rights framework in a shared set of values and the goodwill that pervades a public service ethos. In turn these values are shown to play an important role in the operation of a human rights framework. Trainees are taught to use these values as ‘flags’ for potential human rights violations. A

residential care worker who attended a recent session commented on a resident who for health and safety reasons needed to be watched as he bathed: *"I knew in my heart he was being treated without dignity, and now I recognise that his human rights are perhaps being violated"*. The care worker suggested that she would use this new human rights language to seek a more appropriate care assessment for the resident.

The Audit Commission, among others, has recommended that training on human rights be integrated with existing training on equality and diversity because of the close relationship between equality and human rights (Audit Commission, 2003; Butler 2005). If human rights issues are included within existing training packages on equality and diversity, it is likely that employees will then regard discussion of such human rights issues as an accepted and conventional component of treating people equally and fairly and not discriminating against them. For the same reason, human rights should also be integrated with ethical training programmes because it will encourage an association between the human rights principles of dignity and respect and ethical behaviour. This kind of assimilation has the potential to shift human rights from the "mental model" of being something that only the legal department needs to be concerned about to something that affects how everyone in the organisation operates.

The concept of "personal identification" suggests that "face-to-face" contact in providing information will be more effective than written material. A practical example of this is provided by the Police Service of Northern Ireland. Independent evaluators appointed by the Police Board of Northern Ireland investigated and reported on the knowledge and application of human rights within the force (Northern Ireland Policing Board, 2005). Nearly 2800 officers (of varying rank) responded to a questionnaire which covered a range of human rights matters. Officers' self-assessment of the frequency of human rights issues arising in their work resulted in 78% of respondents answering that "human rights issues crop up most days". This, unsurprisingly in view of the context, shows the significance of human rights issues to the Police Service of Northern Ireland.

For present purposes, it is the next statistic read in the context of that finding which is interesting. In response to a question about sources used to deal with "a difficult human rights question", 53% of respondents said they would refer to another colleague who is usually able to assist; 39% said they would refer to service and policy documents and 35% said they would refer to training material. This finding demonstrates the importance of social learning (people will look to their peers). This makes the training of those peers even more important. While materials such as "toolkit guides" are undoubtedly valuable, and while prepared material such as written teaching support materials, videos, DVDs and interactive computerised teaching programmes are again useful, they should not be seen as a substitute for live training.

It is the BIHR's experience that support structures need to be established as a complement to training. Participants frequently say that although they would like to take a human rights approach forward in their work, they fear lack of support from colleagues and, above all, management. Therefore one-off training needs to be complemented by on-going training, for example refresher and specialist courses, and other structures, for example, human rights discussion groups, 'champions' schemes, or human rights referral points within departments. This keeps the learning from training alive, and helps to mainstream a human rights approach within an authority's activities. The BIHR has also found that the most effective training sessions are those that bring together people from different teams. This not only increases the range of experiences brought into the

session, and therefore the level of lateral discussion, but also fosters the cooperative approach that is such an important message of human rights.

The combination of the relevant psychological principles and the lessons learned from the practical examples referred to suggest that optimal training in this area would involve live training, in groups of co-workers, working through real-life human rights issues and challenges acknowledged to be relevant to their jobs. The active participation of service-users in the design and delivery of the teaching would also be valuable. The involvement of psychologists with expertise on these matters could assist with the further development of training and guidance materials on human rights to public service providers.

4.2 Codes of practice

Psychological theories such as the “theories of reasoned action and planned behaviour” stress the role that individual’s attitudes and beliefs play in governing their behaviour – in this context their sense of social responsibility. Public statements of intent or declarations of commitment, especially regarding matters of principle, are powerful motivators to positive behaviour and to personal consistency between attitudes and behaviour. Policy tools aimed directly at these social cognitions may therefore be of considerable benefit.

The adoption of a human rights approach in the provision of public services requires a commitment to the value of human rights principles and the role that they play in driving up public service standards. One common way for employees to make public commitments is through organisational codes of ethics or conduct. Codes go further than mission statements because they require active endorsement and compliance by employees. As such, they constitute “contracts” between the individual employee and the organisation for which they work.

The term “code of ethics” seems to address people’s attitudes whereas “code of conduct” appears to relate to their behaviour. In reality, however, whatever the name (and the terms may be used interchangeably) the purpose of codes is to set out certain organisational beliefs and principles which are intended to inform and govern people’s behaviour. In view of the psychological relationship between attitudes and behaviour, this is entirely appropriate. We have adopted the term “code of practice” since it appears to encapsulate the objective of achieving a human rights approach *in practice* (using both its meanings, i.e. in reality and in the daily job of service provision).

The House of Commons Public Administration Select Committee, in its 2002 report on the Public Service Ethos, recommended that the Government develop a public service code which would (following parliamentary approval) be adopted by all bodies (public, private and voluntary) providing public services. The Select Committee explained its recommendation as follows:

The Government should state more clearly the principles underlying public service and its reform programme, and put them in a Public Service Code. This should be a summary of its approach, its own version of the public service ethos,

relevant to changing circumstances and the intensified demand for excellence in services, but robust in upholding the intrinsic nature of a public service and its traditional values.

The Code should be short, simple and aspirational. Its components should include the standards to be reached in ethical behaviour, in service delivery, in administrative competence and in democratic accountability (Public Administration Select Committee, 2002a).

The Select Committee proposed that a number of principles should be included in the Code. The following are pertinent for present purposes:

- *Observe at all times the ethical standards expected of public servants and public service bodies, including the Seven Principles of Public Life*
- *Aim to deliver public services that match in quality the best private equivalents, including standards of customer care. Where there is no private sector equivalent, best practice in the public sector should be matched*
- *Treat public service workers and users fairly and equitably, and involve them as much as possible in service issues*
- *Respect at all times the right of the citizen to good administration as set out in the Charter of Fundamental Rights of the European Union, and his or her right to safe, reliable public services. Proper redress should be made where maladministration has taken place*
- *Remember at all times that public service means serving the public, not serving the interests of those who provide the service, and work collaboratively with others to this end (Public Administration Select Committee, 2002a).*

As an aside, it is notable that the Select Committee drew on the EU Fundamental Rights Charter (which is not in force) in relation to citizens' rights to good administration (Article 41). It is even more notable that it did not draw on the human rights charter which does have legal effect in this country and which is intended to have an impact on the provision of public services, namely the Human Rights Act. The Committee reported in June 2002, which was 18 months after the Act came into force and yet, by not referring to the Act, it is probable that the Committee was unaware of the Government's stated intentions about its role in relation to public services.

In its response to the Select Committee's recommendation, the Government, whilst recognising the role that codes have to play, expressed its concern that introducing a new public service code would risk deflecting energy and focus from its wider public service reform strategy (Public Administration Select Committee, 2002b). Although there may not be an all-embracing public service code in force, there do exist a number of codes of ethical practice within specific public service areas. These are relevant to the present discussion because they conform to psychological principles about the significance of declarations of intent and also because they could be adapted to include a human rights component.

Some public bodies (especially NHS Trusts and Social Services Departments) are likely to have explicit statements of the ethical behaviours and practices expected of staff, and these may (or may not) make reference to human rights principles. Further research would need to be undertaken to establish the extent to which employees are required to

sign these codes. Professionally qualified employees of public bodies are likely already to be signatories to such codes by virtue of professional qualification, membership of professional bodies (for instance the British Medical Association) and through regulation (statutory or voluntary). These codes may or may not make reference to human rights principles explicitly in terms of legal obligations under the Human Rights Act and research on this question would clearly be useful. Work is currently underway within the British Psychological Society to ensure that the Code that guides the professional practice of applied psychologists makes appropriate reference to these principles (British Psychological Society, 2000).

In 2001, the Standards Board of England obliged all local authorities to draw up codes of conduct for councillors, based on the Board's 'model code', to regulate the behaviour among elected members and how local councillors relate to members of the public. It requires them to:

promote equality by not discriminating unlawfully against any person [and] treat others with respect (Standards Board, 2001).

The Code of Conduct is limited in its relevance for present purposes because it does not apply to employees of local authorities (or indeed to employees of other public bodies) and it does not make explicit reference to the legal obligations under the Human Rights Act. It does, however, have potential uses because it is already in place in local authorities and its remit could be broadened or it could be used as a template to develop other codes.

The Code of Ethics of the Police Service of Northern Ireland (PSNI) is particularly noteworthy and provides a useful case study because adherence to it is compulsory among all police officers in the Northern Ireland force and because it explicitly sets out the human rights responsibilities that they have. The Patten Report into policing in Northern Ireland recommended:

.. that the police act within the law and respect human rights, both in a technical sense and in the behavioural sense (Patten, 1999).

One of the mechanisms for making this "behavioural" aspect happen in practice is the Code of Ethics. The Police (Northern Ireland) Act 2000 required that the NI Policing Board issue a Code of Ethics laying down standards of conduct and practice for police officers and making them aware of the rights and obligations arising under the Human Rights Act. It came into force in 2003 (replacing a previous Code of Conduct) and complements the statutory duties of the PSNI under the 2000 Act (Northern Ireland Policing Board, 2003). For example, Article 1 of the Code refers to the duty of police officers to protect life and property, preserve order, prevent offences being committed and bring offenders to justice. It goes on to state:

When carrying out these duties, police officers shall protect human dignity and uphold the human rights of all persons as enshrined in the European Convention on Human Rights and other relevant international instruments (NIPB, 2003).

The Code was described by independent evaluators appointed by the Policing Board as "unique" because the PSNI is "*the first police force in Europe to have adopted such an overtly human rights based approach to conduct and discipline*" (NIPB, 2005).

The Code and how it has been implemented within the PSNI is interesting from a psychological perspective and provides useful guidance for the purposes of this report. It is relatively short (8 pages) and easy to read. It subtly integrates familiar policing principles (like integrity & use of force, Code of Ethics Articles 7 & 4) with wider principles of dignity, respect, fairness and equality (Articles 1, 2 & 6) and human rights laws (Article 3) so that officers can make mental associations between them.

In his introduction to the PSNI Code, the chief constable stated that his best approach to motivating his officers to follow the Code was to appeal to *“the “Golden Rule” which requires police officers to treat the public in the way they would wish an officer to treat them or their family”* (NIPB, 2003). There is convincing evidence, from general health settings (Hojat et al, 2002), mental health settings (Pishkin & Wolfgang, 1962) and non-healthcare settings (Waseda, 1983; Law et al, 2004; Conway, 2000) that empathy – the ability to ‘put yourself in another person’s shoes’, that is to appreciate and understand their thoughts and feelings - is an important element in employee performance in those settings where contact with the public is involved. Pertinently – for the present report – such empathic skills seem particularly important in a multicultural workforce (Chang et al, 2004).

The foreword by the chairman of the Policing Board is an exercise in leadership and authority providing a mixture of subliminal messages on the Code:

- *Effective policing means protecting human rights* (information to those who didn’t think of it this way)
- *It provides an ethical framework for your decisions and actions* (it’s useful and so worth signing up to)
- *It clarifies what behaviours are acceptable* (there will be sanctions for breach)
- *Officers have the right to receive the full support of the community* (the psychological principle of ‘mutuality’ applies) (NIPB, 2003).

The independent evaluators did not specifically investigate whether by signing up to the Code, officers felt they had made a commitment to adhere to it, but the finding that the Code was viewed as a set of ‘common sense’ rules suggests that this is likely (common sense is worth going along with). The challenge in Northern Ireland was to make sure that individual officers had read the Code and knew its contents sufficiently well to guide their behaviour.

Psychological science suggests that the programme of implementing a human rights approach within public authorities would be progressed if each individual provider of public services were subject to a code of ethical practice which contained human rights responsibilities. This conclusion is supported by the evidence from users of public services emerging from the research recently concluded for the DCA. In response to the question, what should be done to ensure that public services respect people’s human rights, participants responded that what was needed was:

A clear set of positive principles that could be taken up in communities to “fill the values vacuum” and serve as a bedrock for everyday British life (DCA, 2005).

Specifically, in relation to public services, participants felt that there was a need for:

Clearer ground rules for public services which could be based on the principles underlying the Human Rights Act (ibid).

The message that needs to be provided in order for “mental modelling” among public service workers to take place, as the PSNI Code does admirably, is a combined one: that human rights principles apply to the delivery of public services and that they are legal requirements. Such a code would need to explain what is included within the term “human rights” (the principles of fairness, respect, equality and dignity as well as ECHR articles) together with the nature of the responsibility on public service employees (proactive rather than reactive in respecting and protecting human rights).

Because of the problem with the narrow interpretation of “public authorities” (following the *Leonard Cheshire* case) and in order not to exclude private and voluntary providers of public services, the code of practice would need to be adhered to by anyone providing the relevant public service. The specifications formula devised by the Office of the Deputy Prime Minister to assist public authorities in ensuring that contractors, who may be outside the scope of the Act, comply with its provisions could be adapted to include adherence to a Code (Office of the Deputy Prime Minister, 2005a).

In terms of progressing this proposal, it would be relatively straightforward to review the existing codes applicable in public services and then to draft wording expressly incorporating human rights principles and responsibilities. Amendments to existing codes would need to refer to human rights in terms of public sector legal obligations (HRA Section 6 duty) as well as aspirational goals (we aim to treat users with dignity and respect).

In the case of what may well be the majority of individuals at the front line of providing services to the public who are not subject to codes of ethics or conduct (which could be several million people) the implications of introducing a human rights code, although it may be psychologically desirable, needs to be carefully researched and considered. This immense practical question is outside the remit of this report but some further psychological observations on introducing codes of practice for public sector workers follow.

Codes of practice should be drawn up in consultation with users of public services and they would need to be published and accessible by members of the public. Such codes of practice need to be taken seriously within organisations and by those who are signatories to them. To be effective, they need to be mandatory and there should be some form of sanction for breach of them. Both compulsion and sanctions should be considered carefully to avoid “reactance” on the part of those who are subject to them.

In relatively simple psychological research, public sector employees could be asked to give their opinions and initial reactions to a proposed code and to discuss their feelings about being expected to comply with it. Since psychological reactance occurs as a result of negative emotions, it is reasonable to expect that, if a requirement to sign such a code results in irritation or anger, such a proposal would be unwise. Clearly it would be naive to suggest that, if a code were mandatory it would not involve an element of compulsion. Nevertheless, compulsion could be kept to a minimum. For example, one might contrast an announcement that, from a particular date, all employees of a particular public body

would have declare their adherence to an ethical code, with an announcement that, from a particular date, that particular public body would adopt an ethical code, and that endorsement of the code would be expected of all new employees. The first approach is much more likely to result in reactance and a retrenchment of undesired attitudes than the latter, negating any possible benefits of the more stringent approach.

Sanctions for breach of the code need to be appropriate to the public service involved. For example, censure by superiors for poor practice in breach of a code may be sufficiently effective for people delivering health or care services whereas “harder” sanctions such as fines or disciplinary action may be required in the police services. Appointing individuals to be responsible for adherence to the code among their colleagues can promote “prosocial” attitudes towards and behaviour in respect of the Code. This can help minimise the risk of “bystander apathy and diffusion of responsibility” (not wanting to get involved / assuming that someone else will intervene) in situations where poor practice is occurring.

4.3 Involving service users

The greater involvement of service users in public service provision is one of the central planks of the Government’s public service reform agenda and is a well-established principle of best practice (Blair, 2004; Audit Commission, 2003). The benefits that accrue when users are involved in public service decisions (through effective consultation) and practice (through participation in service delivery programmes) are frequently acknowledged. For example, the winner of the “equality and diversity” category of the 2005 Guardian Public Services Awards was the Expert Patients Programme. Funded by the Department of Health this programme involves the participation of people with chronic illnesses, such as arthritis, in delivering NHS-based services to patients with similar illnesses. The scheme provides for participants to share their own experiences of managing the same condition in order to improve patients’ quality of life.

In mental health services, for example, users are represented on policy planning bodies such as the Mental Health Taskforce and the involvement of service users is also a necessary part of research funding bids and service contracts (Department of Health, 1995; Medical Research Council, 2000). In the equality field, public authorities are required to consult users before completing race equality schemes and user participation will be a significant factor in implementing the new disability duty. (Commission for Racial Equality, 2002; Disability Rights Commission, 2005) User involvement provides credibility and legitimacy to public service planning and leads to overall improvements in service provision (Medical Research Council, 2000).

In psychological terms personal contact with people from other social groups (in this case providers of services engaging with users) has been reliably associated with lower levels of stigma and lower levels of desire for ‘social distance’ (Corrigan, Edwards, Green, Diwan & Penn, 2001). Prejudicial behaviour and beliefs about other groups, although closely related (Brown, 2001) can – pleasingly – be reduced by personal contact. User involvement should therefore be promoted as much as possible for psychological reasons.

In its report on human rights in public services, the Audit Commission (2003) commented unfavourably on the lack of information provided to the public about the Human Rights Act. Of the 175 public authorities surveyed, only one council had published general information about the Act. The Audit Commission's finding was that:

Most organisations failed to see the benefits of using human rights as a vehicle for service improvement by making the principles of dignity and respect central to their policy agenda, which would place service users at the heart of what they do (Audit Commission, 2003).

This lack of engagement is not surprising. Too many public authorities have not yet made the connection between human rights and improved public services and there is probably an instinctive reluctance to encourage more "talk about rights" with users for fear of triggering unwanted litigation. In any case, as discussed above, the language of "human rights" has been found to be off-putting for users of public services (Department for Constitutional Affairs, 2005).

These hurdles are not insuperable, however, because research also shows that when the principles underlying the Human Rights Act are explained to people, they immediately grasp their value and can see the potential for using them in a public service context. We will remain light years away from making progress on improving public services through a human rights approach unless specific action is taken with regard to involving users. The British Institute of Human Rights is pioneering joint training programmes among providers and users and this work needs to be adopted more widely.

When human rights principles are expressed in terms requiring users to be treated fairly, equally and with dignity and respect, it becomes possible to see ways in which users can become involved in wider implementation within public authorities. In relation to the specific tools that we discuss in this section, there would be advantages from a psychological perspective (both for users and providers) if users were to participate in the following:

- training programmes (scenario setting & personal case studies about poor treatment)
- the drafting or revision of codes of ethics (by public consultation)
- award schemes (by voting or being on judging panels)
- service provision (suggestions on what needs to be done to increase dignity and respect)
- targets and inspections (which are discussed below) (by surveying users as to whether they are being treated fairly and with dignity and respect)

The consequences would be to give service users a greater role in decision-making, service provision and governance matters in relation to implementing human rights. From a psychological perspective (the principles of 'mutuality' and 'empathy'), the personal involvement by users of services is likely to change attitudes and behaviour on the part of those providing services to them. For example, informal "contracts" between providers and users of services could be established along the lines of "what you can expect from this service and what we expect from you."

4.4 Awards

It is simplistic to assume that awards (or in psychological terms “rewards”) lead naturally to the fulsome adoption of the intended behaviours or attitudes. In the context of this report, rewards and reinforcements should be used with care because, as described above, they can have unintended consequences. It is also the case that the issues that the Government wishes to develop are principles that should be at the heart of the development and delivery of public services. People should not be rewarded just for doing their job because this makes the rewards meaningless. External award schemes together with things like the honours system are, however, a feature of public life and do tend to encourage and support greater commitment to public service. This apparent paradox is explored below.

4.4.1 For public authorities

A number of award schemes exist to incentivise the providers of public services. At the moment, although many have an equality and diversity component, none of them refer explicitly to human rights. The ‘Beacon Council’ status, for example, is a reasonably clear organisational incentive. The Office of the Deputy Prime Minister initiated the Beacon Council scheme to encourage good practice in local government service delivery. Six local authorities per year may be awarded ‘Beacon Status,’ with performance being rewarded for achievement in a particular, centrally determined, theme (the theme for 2004-2005 being ‘services to older people’) (Office of the Deputy Prime Minister, 2005b).

Recent independent analysis (Hartley, Rashman, Storbeck & Downe, 2001) suggested that the Beacon Council status was, in psychological terms, an efficient reinforcer, in that councils altered their behaviour in order to achieve (and to retain) the title. This suggests two possible conclusions. First, the Beacon Council award could be predicated on the principles of fairness, respect, equality of opportunity and dignity that underpin the ECHR. More generally, however, it could be made explicit in the criteria for awarding Beacon Council status, regardless of the specific theme, that these principles must be reflected to the highest degree in the practices of the local authority.

Similarly, the Charter Mark can be seen as an effective reinforcer. The Charter Mark was introduced by the Cabinet Office (2004) and is managed by the Prime Minister’s Office for Public Services Reform. There is a range of criteria that must be met before a Charter Mark is awarded. At present these hint at human rights principles but do not make explicit reference to human rights responsibilities under the HRA.

The Guardian Public Services Awards offer awards in a number of different categories of which the most relevant for present purposes are: diversity and equality, service delivery (asylum-seekers, children’s services and mental health) and customer services. This year’s chair of the judging panel writing about the awards in *Society Guardian* described the value of the Awards in the following terms:

These awards can be very positive for individuals, for organisations and for society. They can boost morale and can become symbolic of great work within the public services (Guardian, 20 July 2005).

There is reasonable evidence that public bodies alter their policies, procedures and practices in order to win and retain these incentives. If the application (or threatened withdrawal) of such awards leads to changed behaviour, in psychological terms, they are acting as reinforcers of the sought-after behaviour.

4.4.2 For individual public service employees

Awards to individuals can be made both internally by the employing organisation and externally by public awards. We have not had an opportunity to research the prevalence of internal reward schemes within public authorities or their psychological effectiveness but, unless the rewards were unpredictable and spontaneous, the problem of “working for the reward” might apply. This principle suggests that people will do the minimum they need to do to get the reward but will not be motivated by a sense of public good or duty.

By contrast, external awards can be very motivating. For example, the honours system, that is the awarding of traditional honours by (notionally) the sovereign, is well-established in the UK. Notwithstanding debates about the standing of these honours, the appropriateness or otherwise of the nature and names of the awards (i.e., references to the British Empire and the reinforcement of the class system), psychological science can offer some insights into their effectiveness. First, social rewards are clearly highly influential – more influential than monetary or practical rewards. The honours system may represent a systematised public recognition and reward system. Honours or awards tend to be most influential in encouraging positive behaviour change and excellence in public service because they are relatively unpredictable.

There are other external award schemes, relevant to the present inquiry, which could be adapted to include a human rights and public service component. “Public servant of the year” is a category within the Guardian Public Services Awards which rewards individuals. This year the award went to a local government officer for setting up an innovative consumer website and who, in the words of a colleague “makes people around her feel committed” (Guardian, 2005). The annual “Human Rights Awards” are hosted by Liberty, Justice and the Law Society. They have, unsurprisingly, an emphasis on the protection of human rights by lawyers and legal action.

The institution of a human rights in public services award whether through a new and therefore more visible scheme or the incorporation of human rights criteria into existing public service awards is likely to be productive from a psychological perspective. Such an award would reinforce people’s “mental models” of the relationship between a human rights approach and high quality public services.

4.5 Measuring the impact on service delivery

The policy options considered so far represent “inputs” that can be made as constituent parts of the programme of achieving the goal of a human rights approach to public services. Whether action on these is taken in practice by public authorities can represent measurable indicators of their approach to human rights implementation. The impact of

these policies, however, also need to be measured to evaluate whether positive changes in attitudes and behaviour have in fact occurred, i.e., the desirable “outcomes.”

The Department for Constitutional Affairs is, we understand, considering the development of targets to achieve its human rights objectives. The objective would be to complement and reinforce what the Audit Commission and the Healthcare Commission are implementing in terms of auditing for evidence of adherence to human rights standards within the inspection process (Audit Commission, 2005; Healthcare Commission, 2005). Commentators (e.g., Butler, 2005) have begun to suggest how implementation of a human rights approach could be measured. We briefly consider here some of the relevant issues from the perspective of psychological science.

Generally, targets should be drawn up following a reasonably straightforward protocol: the outcome of the service in question should be defined, the principles underpinning the ECHR should then be examined in terms of their potential impact on the service (for instance, unfairness indicated by disproportionality of access or outcome, respect in terms of complaints etc). The relation between these targets and human rights consideration should be reasonably clear.

4.5.1 Inputs

We make, in this report, recommendations regarding: codes of practice, training, awards and the involvement of service users. Progress in each of these areas could be audited. In each case, these may be assessed using methods that are quantitative (what exists and how extensive it is) and qualitative (how good it is).

‘Input’ targets relating to codes of practice might include: the existence (versus non-existence) of such a code; the way in which it references human rights; how such a code has been incorporated into the service’s governance and practice and the presence of a “champion” for the code within the organisation. Qualitative, subjective, targets might relate to what staff and service users think of such a code, and external, expert, evaluation of the content of the code.

Targets relating to the involvement of service users would include the active involvement of service users in all aspects of service planning and delivery. This would include membership of relevant boards or committees, but could also include an assessment of the information provided to service users, and the practical measures employed to facilitate such involvement (such as payment of expenses etc). Qualitative assessment of progress to targets in this area would include assessments of the opinions of service users and staff in this respect.

Targets relating to training might include: the presence, extent, nature and quality of training in human rights issues. Such audits have been conducted successfully elsewhere (Northern Ireland Policing Board, 2005). Targets might also include the extent to which service users are involved in the design and provision of training and the content of such training (evaluated against the principles outlined in this report). Audits could be conducted into the recall by participants of the training materials as well as the subjective opinions of staff, service users and (of course) the learners.

4.5.2 Outcomes

If the proposal is to measure changes in behaviour, there needs to be awareness of the tendency towards the fundamental attribution error in order to avoid making it. The focus on what individuals do and how they behave may be excessively ascribed to dispositional factors (their perceived incompetence) rather than the more real but less acknowledged situational ones (lack of training, resources and consequent loss of morale among staff).

Quantitative evaluation of progress to 'outcome' targets might include assessment of whether there has been a decrease in number of recorded complaints about poor treatment, and a corresponding increase in number of commendations about services provided. Evaluation of quantitative targets relating to service access (equality in relation to the relative access to services by people from relevant population groups for example) is well developed in the Health Service, where well-practiced audits of diversity issues have been common for many years.

Qualitative evaluations may include satisfaction surveys. Service users could be asked the extent to which they feel that they have been treated with fairness, dignity and respect. These matters would be assessable only through subjective, impressionist or qualitative methodologies. Thus 'satisfaction' can be measured, but only through enquiring as to people's impressions. It is, of course relatively easy to measure impressions (psychologists in particular tend very readily to hand out questionnaires). Some consideration could be given to ensuring that a systematic approach is taken to such data-collection, across services and across Government. That may allow some comparison to be made over time, across services and to allow experimental comparison of initiatives in service development.

Psychologists can be sceptical of subjective assessments. Psychologists are well aware that impressions and even firmly held beliefs are shifting and variable, subject to change. Nevertheless, psychologists view such matters as their stock-in-trade. Thus, psychologists regard it as central to their competencies and expertise to measure and analyse issues such as quality of life, opinion and belief. Qualitative assessments of progress that involve 'validated surveys' patient or service user experiences (as outlined in the Department of Health Public Service Agreement objective 4), are therefore likely to be readily understood by psychologists (Department of Health, 2005).

In all of these areas, the involvement of psychologists may be useful. Psychologists are trained in developing objective methods of assessment of both attitudes and behaviour. Psychologists are also trained in identifying the scientific issues – for example, even if measured appropriately, changes in all these indicators may occur for reasons other than those presumed (the 'third variable' problem: a development may occur such as training in human rights, satisfaction of service users may increase, but this may have nothing to do with the development, there may be a third variable – such as increased funding or even the emergence of apparently unrelated factors such as London winning the Olympic bid – that may alter the observed outcome). Psychologists are also trained to examine other aspects of the phenomenon to try to identify reasons for such effects.

5. Conclusions and Recommendations

This report has outlined a number of principles of cognitive, behavioural and social psychology which should provide useful background when formulating policy on implementing human rights in public services (or indeed any policy on behaviour change). The report emphasises the importance of a coherent and consistent human rights message as fundamental to making progress on this agenda. Five particular policy areas are considered from a psychological perspective and the conclusion is that they are all worth pursuing provided the psychological implications are borne in mind. It is suggested that psychological science can make an ongoing contribution to the development of these and other policies to further effective implementation of a human rights approach within public services.

The agenda discussed here is complex and ambitious. It extends across different departments of Government such as the Department of Health, Office of the Deputy Prime Minister, Department for Work and Pensions and the Cabinet Office, as well as the Department for Constitutional Affairs. It is also the concern of a large number of quasi-governmental bodies such as the Equality Commissions and the Inspectorates. Of course these matters are, equally, the concerns of the Joint House of Lords and House of Commons Committee for Human Rights and for the nascent Commission for Equality and Human Rights. Nevertheless, the recommendations contained in this report cut across the nicer distinctions between Government Departments and may benefit from coordination. They are also, of course, of more than passing interest.

This report summarises psychological evidence relevant to the development of behaviours and attitudes compatible with principles of fairness, respect, equality and diversity in the delivery of public services. Because specific research examining these issues from a psychological perspective is difficult to find, the recommendations listed below represent professional opinions based on the available academic literature, but extrapolated from more general research findings.

Recommendations

1. The Value of Human Rights in our Society

- 1.1. Political leaders and other authoritative figures should emphasise their respect for the Human Rights Act (and the European Convention on Human Rights on which it is based) as a corner-stone of our constitutional settlement. The Act should be referred to as providing a framework which informs (rather than hinders) the development of public policy. It should be acknowledged that disagreement about how the Act is applied in a particular case is healthy in a democracy.
- 1.2. There should be clearer explanation that the principles of fairness, respect, equality and dignity (FRED) underpin the statutory requirements. Human rights should be presented as assisting in improving public services, providing the public with a charter to demand better services

and guaranteeing protection for people where the law has been breached.

- 1.3. Care should be taken to ensure that Government actions and messages in these respects are coherent and consistent.

2. Six Principles for Human Rights in Public Services

- 2.1. Public service providers should be informed that a human rights approach (adopting the FRED principles) will assist in developing and improving the quality of public services and that human rights offer a useful framework when dealing with complex and challenging issues. The emphasis should be on the expectation that public service providers already act in accordance with a public service ethos and the need to respect equality and diversity and that these reflect human rights principles.
- 2.2. The following Six Principles of Human Rights in Public Services (or something comparable) should be adopted within public services and widely publicised.
 - i. the Human Rights Act is a corner-stone of our constitutional settlement
 - ii. the values of fairness, respect, equality and dignity underpin the Act
 - iii. these human rights principles complement existing value systems such as the public service ethos and equality of opportunity
 - iv. human rights principles can contribute to improving public services
 - v. the human rights framework is useful in addressing the challenges of public service provision and
 - vi. a human rights approach to public service delivery will constitute best practice at the same time as amounting to compliance with the law.

3. Training Providers of Services

- 3.1. Vocational training informed by the Six Principles should be provided for all public sector workers involved in designing and delivering public services, especially those on the front-line of provision.
- 3.2. Such training should address the compatibility between people's belief systems and the FRED principles and should involve personal reflection on their own practices. It should use interactive techniques allowing participants to test and develop "mental models" of the application of human rights to their work. Live training is likely to be more effective than written guidance.
- 3.3. The 'Ten Essential Shared Capabilities' developed for mental health services may offer a useful model for embedding specified values into employee development. Further research on its efficacy would assist development of comparable standards for human rights.

4. Codes of Practice

- 4.1. Codes of practice expressly incorporating human rights principles and responsibilities are likely to increase the commitment of public service providers to the implementation of a human rights approach in public services.
- 4.2. The Department for Constitutional Affairs should investigate the existing position for all providers of public services affected by the Human Rights Act in order to evaluate how human rights principles and responsibilities could best be incorporated into existing codes of ethics and conduct and what the implications would be of introducing new codes.

5. Involving Service Users

Public bodies should increase the involvement of service users in human rights policy design, development and delivery which could include participation in scenario-setting for training programmes, designing codes of conduct, contributing to human rights awards and measuring the impact of public service policies and practices.

6. Human Rights and Public Services Awards

- 6.1. Public service rewards and honours should incorporate references to human rights principles. Rewards are likely to be motivational if they are awarded spontaneously (as opposed to routinely meeting good practice standards) and take the form of praise (social reinforcement) rather than tangible benefit. Such rewards should be available to public service workers at all levels of seniority across all agencies.
- 6.2. Instituting an annual Human Rights in Public Services award could crystallise the human rights message and help to motivate public authorities and their staff.

7. Measuring the Impact on Service Delivery

The design and analysis of qualitative assessments, such as user surveys, in measuring change would benefit from the assistance of psychologists who have expertise in analysing people's impressions and beliefs.

8. Further Assistance from Psychologists

The Department of Constitutional Affairs may wish to consider the further assistance of psychologists (including Occupational Psychologists) in advising on these and related matters in the future.

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