

# Letter template guide

Name and address of the person you are writing to.

Address them as Mr/Mrs/Ms or use Sir/Madam if you don't know who you are writing to.

If you are writing on someone else's behalf explain who you are and your relationship to the person concerned.

Explain why you think this right has been violated and the impact on the person concerned.

Advocacy services  
Old Town  
01 B2701  
February 2019

Housing Unit Manager

Rose Avenue

01 B11

Dear Mrs Bloggs,

I am an advocate representing Mr Erik Schwartz who is a resident at your housing unit. A recent change in routine has caused considerable distress to Mr Schwartz. Staff have decided to change Mr Schwartz's route on a walk they support him to take each day, which usually goes through the town centre. Staff have not discussed this change with Mr Schwartz to try to explain why they want to do this or to find out his wishes and views. The distress this has caused has led to incidents of concern between Mr Schwartz and the staff, and that situation has got worse, and not better as the decision had intended.

As care is arranged by the local authority, you have a legal duty under the Human Rights Act to respect and protect his rights. This change in routine, without consultation, has limited Mr Schwartz's autonomy and is interfering with his right to respect for private and family life (Article 8 in the Human Rights Act).

Although I appreciate your commitment to maintaining the safety of Mr Schwartz, the Human Rights Act requires you to make sure that any decision that interferes with his right to respect for private and family life is lawful. As Mr Schwartz's capacity to make decisions about his daily routine or walk has not been raised before, and he is not subject to a Deprivation of Liberty order, I am concerned about the legal basis for the decision to override his autonomy. I am also concerned that the decision does not meet the proportionality test. Perhaps you could think about another way to keep him safe and not interfere with his right as much? Mr Schwartz should be involved in discussions about his routine to discuss possible risks and how to manage these. For example, could you change the time slightly but keep the same route so that it is at a quieter time?

If staff spoke to myself or Mr Schwartz about the decision maybe we can find a better solution that doesn't cause so much distress to him and reduces incidents of concern in his behaviour.

I would be grateful if you could please respond to my letter within the next two weeks of the date above, I am sure that we can resolve this issue amicably, working with Mr Schwartz to protect his rights.

Yours sincerely

Nick

Sign off with yours sincerely or use yours faithfully if you addressed the letter with Sir/Madam.

Your address and date

Explain the background and what has happened.

Explain that they have a duty under the Human Rights Act. Explain which rights have been breached.

Explain what you would like to be done to resolve this issue.

Set out a suitable time frame for next steps.