



Uned 440 Deddf hawliau dynol Gweithgaredd astrudiaeth achos

Astrudiaeth achos: Steven

Roedd Steven, dyn ifanc ag awtistiaeth, angen gofal dros dro tra roedd ei dad yn sâl. Tybiodd y tad y byddai ei fab yn aros yn ei gartref gofal seibiant arferol, ond rhoddod y cyngor lleol Steven mewn uned arbenigol oherwydd pryderon am ei ymddygiad. Roedd ei dad yn disgwyl mai symudiad dros dro oedd hwn ac i Steven fod adref eto o fewn wythnosau. Pan fynnodd y cyngor ei gadw yn yr uned am gyfnod hwy, heriodd ei dad y penderfyniad hwn.

Cwestiynau Astrudiaeth achos

- Pa hawliau dynol sy'n gysylltiedig â'r achos hwn?
- I bwy mae'r hawliau'n perthyn?
- A oes hawliau sy'n gwrthdaro? / sut ydych chi'n meddwl y dylid cydbwysu'r hawliau hyn?

Astrudiaeth achos: Steven

Roedd Steven wedi cael ei gadw yn yr uned am bron i flwyddyn pan ddyfarnodd y Llys Gwarchod (llys arbenigol yn yr Uchel Lys sy'n delio â materion yn ymwneud â phobl nad oes ganddynt y galluedd meddyliol i wneud penderfyniadau drostynt eu hunain) fod y cyngor wedi torri ei Erthygl 5. hawliau a'i amddifadu o'i ryddid yn anghyfreithlon. Galluogodd y gorchymyn llys Steven i ddychwelyd adref.

Astrudiaeth achos

Talodd Cyngor Dinas Manceinion lwfansau is i ofalwyr maeth a oedd yn aelodau o'r teulu, o gymharu â gofalwyr a oedd yn gofalu am blant nad oeddent yn perthyn iddynt. Honnodd dau deulu gyda phlant maeth o'u teuluoedd eu hunain fod y cyfraddau mor annigonol fel eu bod yn gwrthdaro â lles y plant. Roeddent hefyd yn dadlau bod y cyfraddau'n wahaniaethol.

Cwestiynau Astrudiaeth achos

- Pa hawliau dynol sy'n gysylltiedig â'r achos hwn?
- I bwy mae'r hawliau'n perthyn?
- A oes hawliau sy'n gwrthdaro? / sut ydych chi'n meddwl y dylid cydbwysu'r hawliau hyn?

Unit 440 Human rights act Case study activity

Case study: Steven

Steven, a young man with autism, needed temporary care while his father was unwell. The father assumed his son would stay at his usual respite care home, but the local council placed Steven in a specialist unit because of concerns about his behavior. His father expected this to be a temporary move and for Steven be home again within weeks. When the council insisted on keeping him in the unit for longer, his father challenged this decision.

Case study questions

- What human rights are involved in this case?
- Who do the rights belong to?
- Are there conflicting rights? / how do you think these rights should be balanced?

Case study: Steven

Steven had been detained in the unit for almost a year when the Court of Protection (a specialist court at the High Court which deals with issues concerning people who lack the mental capacity to make decisions for themselves) ruled that the council had breached his Article 5 rights and unlawfully deprived him of his liberty. The court order enabled Steven to return home.

Case study

Manchester City Council paid lower allowances to foster carers who were family members, compared to carers who looked after children who were unrelated to them. Two families with foster children from their own families alleged that the rates were so inadequate as to be in conflict with the children's welfare. They also argued that the rates were discriminatory.

Case study questions

- What human rights are involved in this case?
- Who do the rights belong to?
- Are there conflicting rights? / how do you think these rights should be balanced?