



The Right to a Fair Trial

This right is one of the 16 human rights (also called Articles) in the Human Rights Act. It is Article 6.



This right means that you must be treated fairly if you are charged with committing a crime and you have to go to court.



This right also means that you must be treated fairly if a public authority is making an important decision that impacts your rights.



A public authority is someone that works for an organisation that serves the public and is doing work that is usually funded by the government. The NHS, local authorities, social workers, police, public schools, fire brigade are examples of public authorities.

When could the right to fair trial matter to me?



If you are not given the important information about decisions that are being made in a way that you understand.



Confused

If you have not been told how or why a decision has been made.



If your hearing or trial did not happen quickly enough.



If you were not allowed a lawyer to speak up for you, or an interpreter to translate for you.

If your trial was not open to the public, and it should have been.



A trial can only be closed to the public for a very good reason. For example, if children are involved and their [right to privacy](#) needs to be protected.



If a big decision was made that affected your life and you were not told about it.



Your right to a fair trial is an absolute right.

This means staff in public services can never limit or take away this right.

What do staff in public bodies have to do about my right?



They have to **RESPECT** your right.

This means staff in public bodies should not stop you from having a fair trial.



They have to **PROTECT** your right.

This means that staff have to do things that protect your right and make sure you are involved in talks about their decisions.



They have to **FULFIL** your right.

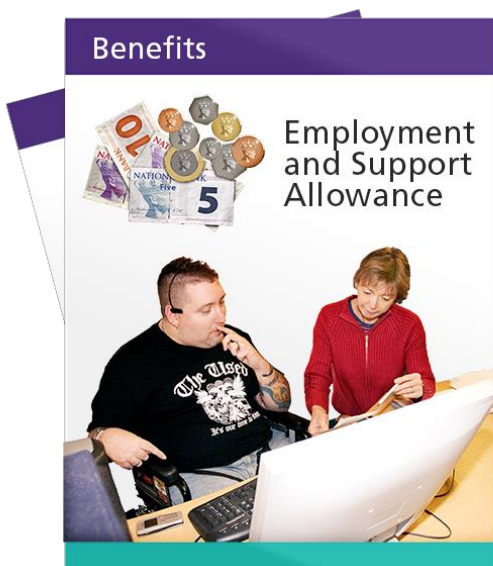
This means that if something goes wrong, staff need to find out why and try to stop this from happening again.

Daniel's Story

Daniel applied for Employment and Support Allowance (ESA) through the Jobcentre Plus.



Jobcentre Plus is an office where staff work to help people find jobs in the UK. It is paid for by the government.



ESA is money from the government for people who have illnesses or disabilities which make it hard for them to work. It is also called a benefit.



Before the staff at the Jobcentre Plus could decide if Daniel needed the money, they asked him to do a health test.



As part of the health test, Daniel asked the staff at the Jobcentre Plus to talk to his doctor who knew about Daniel's disability.



The staff at the Jobcentre Plus decided that Daniel had failed the health test. They did not talk to Daniel's doctor.



Daniel was sad. He did not think the decision was fair, so he asked for someone else to look at the decision again. This is called an appeal.



The decision about Daniel's ESA was looked at again in a court called a First Tier Tribunal.

Daniel could have talked to the judge himself, but he decided not to because of advice he got from staff at the Jobcentre Plus.



The judge at the First Tier Tribunal thought the decision not to give Daniel ESA was right.



Daniel's social worker helped him to appeal the decision again. This time it went to a court called the Upper Tribunal.



The judge at the Upper Tribunal thought the staff at the Jobcentre Plus had given Daniel bad advice.

They thought about Daniel's mental health issues and they said it was bad that his GP had not been contacted about the health test.



The judge thought that decisions about Daniel's ESA had not been made fairly, and his right to a fair trial had not been respected by staff at the Jobcentre Plus.

Daniel was given ESA.