



UNCRC Strategic Framework

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Framework Overview

This framework aims to support NHS Lothian to fulfil its duties under the UNCRC (Incorporation) (Scotland Act) 2024. The framework outlines the vision, direction and accountability for children's rights across NHS Lothian.

Strategic action to uphold and progress children's rights is informed by and aligned with NHS Lothian Equality and Human Rights Strategy¹.

To uphold and progress children's rights, all parts of the organisation must work together and share responsibility.

The principles and priorities set out in this framework contribute to the development of a clear and consistent pathway towards the full realisation of children's rights.

The information and resources provided in the framework will help staff and services to consider actions that they can take in their own policy and practice areas to progress children's rights.



Background and Context

On 16 July 2024, the United Nations Convention on the Rights of the Child (UNCRC) was incorporated into Scottish Law through the UNCRC (Incorporation) (Scotland) Act 2024².

The UNCRC recognises the human rights of dignity, equality and fairness that we all have, and describes the additional rights that children and young people have because of their age. Children and young people, under 18 years of age, need special care and assistance to develop to their full potential, and everyone must work together to ensure that all children can enjoy their rights.

The UNCRC was ratified in the UK in 1991, and Scotland is the first UK Nation to incorporate the UNCRC into domestic law. The UNCRC is supported by the Children and Young People (Scotland) Act 2014³ and the principles of the UNCRC are enshrined in Getting it Right for Every Child (GIRFEC)⁴ and The Promise⁵.

The UNCRC Act 2024 has implications for children, young people, parents, the Scottish Government, public bodies and others carrying out duties of a public nature.



UNCRC Articles

The UNCRC contains 54 articles. Articles 1-42 set out the civil, political, economic and social rights that all children have. Articles 43-54 set out the ways in which adults and governments must work together so that all children can enjoy their rights.

Four articles in the UNCRC are known as General Principles. These articles help to interpret all the other articles and must be protected to ensure the realisation of the other articles.

- Rights should be applied without discrimination (Article 2)
- Best interests of the child to be a primary consideration (Article 3)
- Right to life, survival and development (Article 6)
- Right to express a view and have that view taken into account (Article 12).





All rights are interlinked and mutually reinforcing; they have equal status and no rights should be viewed as more important than others.

Children's Rights are:

- Universal (they apply to everyone, regardless of who they are)
- Inalienable (they cannot be taken from you or given away)
- Indivisible (they are all equally important)
- Interdependent (breach of one impacts them all)
- Interrelated (they are all connected to one another)



Legislative Features of the Act

The UNCRC (Incorporation) (Scotland) Act 2024 puts children's rights at the heart of Scottish law and creates legally binding duties for public authorities. These duties aim to ensure that public authorities uphold and progress children's rights, through a process of progressive realisation. This means that public authorities must work towards the full realisation of rights, by taking continuous and purposeful steps forward, based on the maximum resources available.

- It is unlawful for public authorities to act in a way which is incompatible with the UNCRC.
- The Children' and Young People's Commissioner Scotland has power to take legal action in relation to children's rights.
- Children, young people and their representatives can take legal action to enforce their rights.
- Public authorities must report every three years to Scottish Ministers on their compliance with the UNCRC.

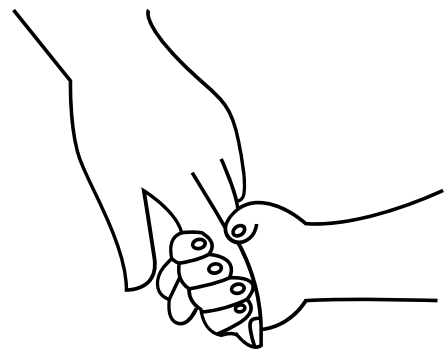
Readiness for UNCRC Incorporation

An assessment of organisational readiness for UNCRC incorporation was carried out between May and September 2024. The assessment was informed by the Getting Ready for UNCRC Incorporation Framework developed by the Improvement Service. A wide range of NHS staff and services, and children and young people across Lothian contributed their views. Areas of good practice and suggestions for improvement to progress children's rights were identified.

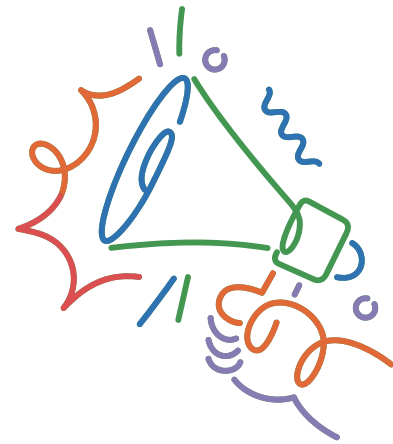
NHS Lothian Corporate Management Team agreed recommendations from the self-assessment to embed the UNCRC across all service areas. The recommendations are incorporated in this Framework. Output from the self-assessment was considered alongside Scottish Government guidance for public authorities to identify key principles and priorities.



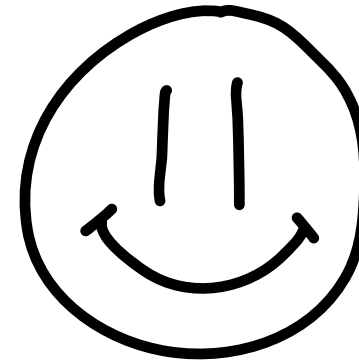
Consultation



A sample of children and young people in Lothian were supported by trusted adults to share their views.



They told us what they know about their rights, including their rights to health and health-care.



We learned about what is going well for them, and where we need to make improvements to allow them to fully realise their rights.



We used what children and young people told us to develop this Framework.



Strategic Vision

To uphold and progress children's rights in all aspects of our work through progressive realisation of the UNCRC.

We will take a children's human rights approach in all that we do, to ensure that all children and young people can live a safe, healthy and happy life.

All staff will work together using shared principles to achieve this vision.



Principles

When making decisions that directly or indirectly impact children and young people, we will:

- be informed by national policy and guidance
- listen to children and young people
- use an evidence-based and data-driven approach
- co-ordinate across people and places
- use a child friendly complaints process
- recognise that children's rights are everyone's business
- translate rights into practice

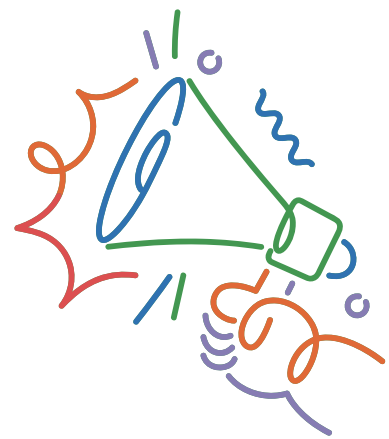
Informed by National Policy and Guidance

The UNCRC (Incorporation) (Scotland) Act 2024 aims to deliver a proactive culture of everyday accountability for children's rights across public services in Scotland. The Act will support good practice, inform improvement and ensure accountability for children's rights. It provides an opportunity for everyone across Scotland to work together to improve the lives of children, young people and their families. Scottish Government statutory guidance on the Act will inform decisions and actions across NHS Lothian on children's rights.

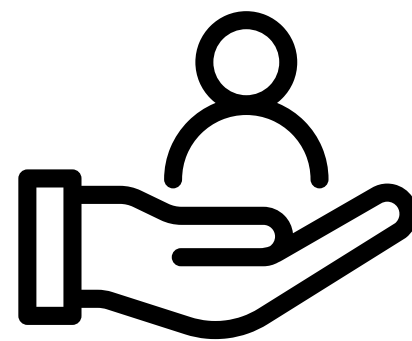
Scottish Government guidance on Taking a Children's Human Rights Approach⁶ provides information and resources to support public authorities and other organisations in their approach. The guidance includes methods to embed children's human rights approaches in practice, such as: decision-making; budget allocation; inclusive communication; awareness raising; participation of children; child friendly complaints and advocacy. To enable realisation, case studies, good practice examples and further resources are provided. This guidance supports us to meet our duties under the Children and Young People (Scotland) Act 2014 and the UNCRC Act.



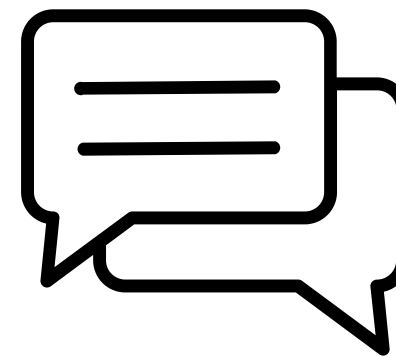
Informed by Children and Young People



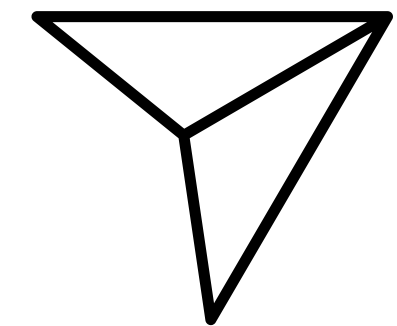
Article 12 of the UNCRC gives children and young people the right to be listened to and taken seriously. This means that when adults are making decisions that may directly or indirectly affect children and young people, they must ensure that their views are taken into account.



Children have individual needs and require different types and levels of support to share their views. To ensure that all children's voices are heard, processes must support children of all ages from birth up to age eighteen to give their views in a way that is best for them. Siblings of children and young people accessing health-care services also need support to be able to realise their rights.



Children and young people do not always know how to provide feedback about their care, or who can support them to understand and speak up about their rights. They don't want to have to repeat their story multiple times to different people. Ensuring that feedback is gathered, listened to and acted on is crucial for the realisation of their rights.



Locally and nationally, children and young people are reporting 'consultation fatigue'. Staff, services and organisations must work together to share messages and learn about what good engagement and participation looks like.



Evidence-based and Data-driven

Data-driven approaches support effective decision-making when considering how budgets can support better outcomes for children and young people.

We will use Equality and Children's Rights Impact Assessments to understand how our work can help to eliminate discrimination and prejudice, reduce inequalities and uphold children's rights. This will ensure we are complying with our public sector equality duties, the Fairer Scotland Duty and our children's rights obligations under the UNCRC Act.

Monitoring the impact of our work using robust indicators will allow us to understand the effectiveness of interventions and identify where barriers exist.



Coordinated Across People and Places

Action to progress children's rights will be joined up across localities, partners and policy areas, using multi-agency and multi-disciplinary approaches where feasible. This will reduce risks associated with over-consultation, limited resources and siloed working, and support learning from good practice.

Shared positive language relating to children's rights will be used within and across services, recognising the opportunity provided by the UNCRC Act to improve the lives of children, young people and their families.

Principles

- For everyone under 18 yrs
- Focused on children's best interests
- Trusting and inclusive
- Centred on children's voices
- Kind and supportive
- Private and confidential
- Knowing about rights

When the process should be used

- When a child raises a complaint directly.
- When an adult raises a complaint at the request of a child.
- When an adult raises a complaint about all matters which affect a child.

Child Friendly Complaints Process

Complaints processes provide a mechanism for children to seek remedy for violations of their rights. However, children whose rights are most at risk can face the greatest barriers to accessing complaints processes.

The Scottish Public Services Ombudsman (SPSO) provide Child Friendly Complaints Handling Principles⁷, which underpin how to handle and investigate complaints from or involving children, in a way that respects their rights under the UNCRC. The principles are supported by detailed best practice guidance⁸ on how to apply the principles in practice.

The guidance aims to supplement existing local complaints procedures, whenever a child is involved, by providing additional steps to ensure that children's rights are met and that the process is tailored to the needs and abilities of the child. Making a complaint can be a frightening experience for children and they will need to be supported appropriately to do so. Children's dignity must be respected throughout the process.



Children's Rights are Everyone's Business

Positive relationships with people that they trust are important for children and young people to realise their rights. Attributes that support trusted relationships include kindness, openness and empathy. Children also need consistent and familiar routines and experiences to feel safe when accessing health-care.

Healthcare staff play an important role in helping children and young people to understand and realise their rights, by providing clear and consistent information and support, tailored to individual needs.

Upholding the UNCRC requires children's rights to be embedded in all policy and practice that directly or indirectly impacts children. Realising children's rights extends beyond children's services to other areas, such as adult services and corporate functions. All staff across the organisation have a role to play in progressing children's rights.



Translating Rights into Practice

Children and young people need access to clear and consistent information and support to realise their rights. Despite wide-spread awareness of the UNCRC, children and young people often do not understand the full extent of their rights and can have difficulty translating their rights into practice. Siblings of children and young people accessing health-care services also need support to be able to realise their rights.

The realisation of rights will be supported by clear and consistent messages, and explicit visibility of the UNCRC in decisions and actions. Information and resources of relevance to children, young people and their families will be inclusive, easily accessible and written in child-friendly language. This may include providing information in different languages and through different mediums, such as pictures, videos and apps.

The UNCRC Act provides a positive opportunity for staff to be empowered to implement strategies that improve child health. Confusion can arise when considering ways of ensuring that everyone's rights are respected. It is therefore important that staff receive the training and support that they need to effect full realisation of the UNCRC.



Priorities

Workstreams will be set up to progress the following strategic priorities:

1. Awareness and training
2. Communication
3. Listening and responding to children and young people
4. Measuring impact and reporting

Awareness and training

Raise awareness and understanding of the UNCRC and its relevance to the organisation across the workforce.

Empower staff to uphold and progress children's rights, through improved knowledge, skills and confidence. This includes ensuring that all health staff, including independent contractors, can talk about the UNCRC confidently and translate knowledge into practice.

Ensure that children, young people and their families, who come into contact with health services, are well-informed and supported to realise their rights.

Communication

Provide visible, clear and consistent internal and external communication relating to the UNCRC. Shared positive language relating to children's rights will be adopted, recognising the opportunity provided by the UNCRC Act to improve the lives of children, young people and their families.

Ensure that Information and resources of relevance to children, young people and their families is provided in clear and accessible formats, using child-friendly language.

Strengthen communication channels across services and with partner organisations to share resources, learn from good practice and reduce duplication.



Listening and responding to Children and Young People

Develop and strengthen processes to ensure that children and young people's views are taken into account when adults are making decisions that may directly or indirectly affect them. This includes supporting children of all ages from birth up to age eighteen to give their views in a way that is best for them.

Improve feedback channels so that children and young people know how to share their views on the services we provide and are informed about the actions we have taken.

Implement the Scottish Public Services Ombudsman (SPSO) Child Friendly Complaints Handling Process Guidance in full to deliver the Model Complaints Handling Procedure in a way that upholds children's rights under the UNCRC.

Measuring Impact and Reporting

Monitor progress on children's rights. This will involve undertaking assessments of how well children are being protected, including the use of children's rights and wellbeing assessments.

Report every three years to Scottish Ministers in a stand-alone NHS Lothian report, with the first report submitted as soon as practicable after 31 March 2026.

Contribute to joint reporting with partner organisations where this is relevant and appropriate regarding multi-disciplinary work to promote and protect children's rights.





Governance

Governance of actions relating to the implementation of the UNCRC (Scotland) (Incorporation) Act 2024 will be through the Children and Young People's Programme Board, reporting to the Corporate Management Team. An implementation plan will be developed to support the identified priorities.

The Child Health Commissioner will act as the UNCRC Programme Lead. The Child Health Commissioner Team will provide oversight, guidance and support for children's rights strategy and programmes of work.

Upholding the UNCRC is a collective responsibility and will require all staff and services to take ownership for embedding children's rights into existing and new policy, practice and priorities.

Resources

[Clarification of inherent obligations of the United Nations Convention on the Rights of the Child](#)

[Getting Ready for UNCRC Incorporation Framework](#)

[Sources to guide interpretation of the UNCRC \(Incorporation\) \(Scotland\) Act 2024](#)

[Statutory Guidance on Part 2 of the UNCRC \(Incorporation\) \(Scotland\) Act 2024](#)

[Statutory Guidance on Part 3 of the UNCRC \(Incorporation\) \(Scotland\) Act 2024](#)

e-learning

[Getting it Right for Every Child and Children's Rights learning site \(TURAS\)](#)

References

[¹NHS Lothian Equality and Human Rights Strategy 2023-2028](#)

[²UNCRC \(Incorporation\) \(Scotland\) Act 2024](#)

[³Children and Young People \(Scotland\) Act 2014](#)

[⁴Getting it right for every child \(GIRFEC\)](#)

[⁵Scottish Government, Keeping the Promise](#)

[⁶Scottish Government, Taking a children's human rights approach guidance](#)

[⁷SPSO Child Friendly Complaints Handling Principles](#)

[⁸SPSO Child Friendly Complaints Handling Guidance](#)

Acknowledgements

Thank you to the following for contributing to the content of this framework:

Children and young people across Lothian who shared their views

NHS Lothian staff who contributed to the self-assessment

Services who contributed to NHS Lothian response to the Scottish Government UNCRC Guidance consultation

East Lothian Champion's Board

Edinburgh Children's Hospital Charity

Midlothian Learning Disability Team

NHS Lothian Play Services

NHS Lothian Volunteering

Royal Hospital for Children and Young People ward staff