

About the RCPCH

The Royal College of Paediatrics and Child Health (RCPCH) is responsible for training and examining paediatricians. The College has over 19,500 members in the UK and internationally and sets standards for professional and postgraduate education. We work to transform child health through knowledge, research and expertise, to improve the health and wellbeing of infants, children and young people across the world.

RCPCH support the principles of taking a children's rights approach to all policies, which should ensure:

- Children's best interests are always central
- The voice of the child is at the centre
- Children's views are taken into account and given due weight
- A holistic approach which looks at the whole child and not just their status e.g. a disabled child

As RCPCH expertise lies in the area of child health and not in the area of legal frameworks we will seek to outline our views only where we are able to utilise our particular area of expertise.

Theme 1: Legal mechanisms for incorporating the UNCRC into domestic law

RCPCH Scotland would agree that a "Duty to comply" should be included in any framework for UNCRC rights. Under article 24 all children have the right to be as healthy as they can be and to access health services. This right needs to be embedded in all health services for infants, children and young people. Children have the right to be involved in decisions that affect them in an appropriate way and health professionals must ensure their views are included in decisions about their care (following the principals of article 12).

The incorporation of the UNCRC is not about a legislative framework; it is fundamentally about improving outcomes for our children and allowing them a voice on issues affecting their lives. It therefore follows that the focus needs to be on outcomes for children and young people, not just a consideration of their rights. 21 of these articles are already in Scottish law.

RCPCH has a policy to reference the relevant UNCRC articles in all communications to increase awareness both with children and those who care for children, focusing particularly on the following 5 articles as identified by children and young people from the RCPCH &Us network:

Article 12 – right to be involved in decisions that affect you, from individual care decisions through to shaping health services that you might use

Article 23 – infants, children and young people with disabilities have the right to be involved, which includes having appropriate communication support within health care appointments and engagement work

Article 24 – the right to best health care possible, thinking here about child and youth friendly health services

Article 28 – the right to education, including as in inpatient, structuring services to avoid missing school due to medical appointments, engagement sessions in evening and weekends/school holidays

Article 31 – the right to rest, relax and play to include support for parents of children with complex health needs to think about how to engage in social activities, and to provide services that support socialising with their peers (clinic times).

Of these articles the right to the best healthcare, the right to education and the right to rest, relax and play are not currently embodied in Scots law.

In bringing clarity to the interaction between direct incorporation and the Scotland Act, RCPCH would recommend the use of child led awareness campaign, written by children, for children and their carers, however, before this, children, young people and professionals involved in child health care should be involved in transposing rights to ensure functionality and practicability.

“Services should listen to me because I am the future of the country. Why would you make a service for us if you don’t want to listen to us”

Young person, RCPCH &Us Voice Bank 2018

“I feel far more empowered, valued through new way of engaging with governance at the RCPCH. Feel that it is far more impactful and we get more achieved. It's all about what gets done rather than what we just talk about! Results! Not just hot air”

Young person, RCPCH &Us Voice Bank 2018

Theme 2: Embedding children’s rights in public services

RCPCH Scotland supports the requirement for a children’s rights scheme and believes that strengthening existing measures would ensure that the implementation of the UNCRC affects outcomes for children and young people. For example, the CRWIA for public authorities is currently used on a voluntary basis - this should be made mandatory to ensure unified action actually happens.

With Parliamentary elections due in 2021 the sunrise clause is absolutely necessary to ensure a definitive timescale for implementation irrelevant of the political environment. Additionally, the benefit of enhancing current procedures such as making the CRWIA mandatory is the reduced requirement for a long period of implementation as processes and associated guidance are already in place.

Additional non-legislative activities will be vital in affecting actual change in children and young people outcomes and these must be reactive to the needs of children and young people – changes in the provision of care, and, training and development of professionals for example, must all be possible to embed children’s rights.

The importance of children and young people engagement and participation in implementing and evaluating the incorporation of the UNCRC cannot be underestimated, “*Nothing about us, without us is for us*” (anon). Measurement of impact should be conducted through the collection of data and specifically through children and young people engagement. This will be key in ensuring the incorporation of the UNCRC positively affects the long term outcomes for all children in Scotland.

“My hope for the next few years is that commissioners and regulators at a local and national level fully understand the importance of engagement. Children and young people’s voice needs to inform decisions about allocation of resources and defining what a high quality service looks like.”

“Have real, practical involvement for children and young people across the country and the world. Getting children, young people and their families centre stage when it comes to planning their care and in delivery.”

ICYP Engagement Committee Members (young people, parents, paediatricians),
RCPCH &Us Voice Bank 2018

Children also stated in sessions with RCPCH &Us in 2018 in Scotland, that children and young people wanted to be involved in developing community based solutions to tackling food inequalities, improve access to free sports activities and to ensure every child has someone to talk to (RCPCH &Us Voice Bank 2018). This echoes sessions in 2017 which identified improving skills by health care workers to involve children and young people in service design, tackling child poverty with children and young people’s involvement through participation structures and supporting mental health services for children and young people (RCPCH &Us Voice Bank 2017).

“My hope for the future is that the voice of children and young people is heard and understood by senior managers at all levels (from individual hospitals and GP practices to regional and national commissioning and regulatory bodies).”

“Children and young people becoming their own advocates if possible, with the right support right across the board”

ICYP Engagement Committee Members (young people, parents, paediatricians),
RCPCH &Us Voice Bank 2018

Theme 3: Enabling compatibility and redress

RCPCH would support the inclusion of a statement of compatibility. Under the current system of (Children's Rights and Wellbeing Impact Assessment) preparatory works negates the need for a full impact assessment; however we understand that the criteria for this decision are not publicly accessible whereas the compatibility statement would be a public record. It is essential that the right to redress is legislated for. Children should not be treated differently in regards to the access of their rights or in their right to challenge to adults and the HRA and ECHR.

Although RCPCH Scotland does not hold a specific view on financial compensation, the children and young people quote below offers insight in how a failure to comply should be addressed.

"Would say a fine but could be because they don't have enough money.
Instead of punishing them, help them"

Young Person, RCPCH &Us Voice Bank 2019



Prof Steve Turner
RCPCH Officer for Scotland

For further information about any aspect of this consultation response, please contact:
louise.slorange@rcpch.ac.uk