



Which legislation supports the active involvement and engagement of children, young people and families?

This briefing will support your engagement, participation, public and patient involvement work by outlining the key pieces of legislation for further reading. By being aware and knowledgeable of these acts, laws and statutory guidelines*, you will be able to elevate the voice of children and young people into the centre of discussions, decision making and as a partner round the table.

UK Wide

United Nations Convention on the Rights of the Child (UNCRC). Ratified by the UK in 1991, the UNCRC has 54 articles that protect children's rights to provision, participation and protection. Articles include the right to be involved in decisions (A12), to have the best healthcare possible (A24) and for all parties to act in the best interest of the child (A3). <https://tinyurl.com/nxl8vgs>

England

The NHS Constitution (2013) makes clear that patients and the public have the right to be involved in the planning of healthcare services commissioned by NHS bodies, development and consideration of proposals for changes and decisions to be made affecting the operation of those services. There is a further pledge relating to providing information and support to enable patients and the public to influence and scrutinise the planning and delivery of NHS services. <https://tinyurl.com/d7sa3wq>

Section 242(1B) of the National Health Service Act 2006 as amended by the Local Government & Public Involvement in Health Act 2007, states that users of services are involved in the planning of services, development and consideration of proposals for change and in decisions that are made which affect the operation of services. This includes the work and services of Clinical Commissioning Groups and NHS England. <https://tinyurl.com/baav3oz>





Engagement legislation

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Briefing

The Equality Act (2010) public sector equality duty (s149) requires public bodies have to consider all individuals when carrying out their day-to-day work - in shaping policy, in delivering services and in relation to their own employees. They must have due regard to the need to eliminate discrimination, to advance equality of opportunity between persons who share a relevant protected characteristic (e.g. age, disability) and those who do not share it and to encourage good relations. In terms of decision making, there is a recommendation to undertake equality impact analysis of decisions to ensure that protected groups are not unfairly discriminated against or impacted by decisions made. <https://tinyurl.com/jrkv26c>

The Health and Social Care Act 2012 also made special provision in relation to Healthwatch organisations to also include the voice of children and young people in their remit to lobby, champion, signpost and represent the needs and views of the public in health and social care services. <https://tinyurl.com/c9dpdp5>

In education, there is statutory guidance to promote involvement through citizenship, British Values and understanding public bodies. The Citizenship Curriculum (Education Act 2002 s78) encourages students to contribute positively to the lives of those living in the locality and wider society and to develop knowledge of and respect for public services. This can be supported by volunteering, involvement and engagement project work. <https://tinyurl.com/oykprod>

For local authorities there is statutory guidance on involving young people in making decisions (Education and Inspections Act 2006 s507B) around services and activities that affect them. Local authorities now includes public health, health promotion and early intervention. <https://tinyurl.com/kwsh33o>

The Children and Families Act 2014 makes specific reference to children and young people with disabilities being involved in developing the local offer, commenting on services provided and detailing the voice and views of children and young people in their Education Health Care Plan. <https://tinyurl.com/mctez2u>





Scotland

The public sector equality duty also extends to Scotland – see information in the England section.

The Children and Young People (Scotland) Act 2014 strengthens the rights of children and young people by requiring ministers and public bodies to consider children and young people, their rights and how they relate to their work. The Scottish Ministers must also promote public awareness and understanding (including appropriate awareness and understanding among children) of the rights of children. <https://tinyurl.com/pz46xl7>

In Scotland there is a partnership approach of “Getting it Right for Every Child” with national guidance which highlights the need to offer the right help at the right time from the right people. There are 10 core components for any setting or circumstance which are measured via 8 wellbeing indicators establishing the basic requirements for children and young people to reach their potential. <https://tinyurl.com/l2wy98m>

Wales

The public sector equality duty also extends to Wales – see information in the England section.

National guidance was issued in 2004 called the Children and Young People: Rights to Action framework, which was linked to the UNCRC articles including article 12 – to be listened to and involved in decisions that affect them and article 24 – to have the best health possible. <https://tinyurl.com/k2d29nq>

In 2011, the Rights of Children and Young Persons (Wales) Measure ensures that all Welsh policy and legislation has to take into account children’s rights. <https://tinyurl.com/l4j3t4f>





Northern Ireland

The Health and Social Services (Reform) Northern Ireland Act 2009 includes patient and public involvement as a legislative requirement for health and social care organisations. Patients and the public are to be supported to help in priority setting and decision making as well as ensuring that services are fit for purpose. <https://tinyurl.com/mnppkln>

The Children's Services Co-operation Act (2015) requires public authorities to work together to ensure the well-being of children and young people across a range of indicators. Included within this is developing a society which respects their rights and where children and young people can make a positive contribution to society. <https://tinyurl.com/k4s9j87>

**this list is not exhaustive and will change over time. Check www.legislation.gov.uk for updates*

www.voices.rcpch.ac.uk/emails#professionals

