

Child Rights and Wellbeing Impact Assessment (CRWIA) Stage 1

Revision of the Charter of Patient Rights and Responsibilities

July 2019



Scottish Government
Riaghaltas na h-Alba
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CRWIA Stage 1 Screening – key questions

1. Name the policy, and describe its overall aims.

Revision of the Charter of Patient Rights and Responsibilities

Under the Patient Rights (Scotland) Act 2011, Scottish Ministers must publish a Charter of Patient Rights and Responsibilities which summarises the existing rights and responsibilities of people who use NHS services and receive NHS care in Scotland. The scope of this work is concerned with the language and tone of the Charter as well as the subsequent promotion of the document. As such, the CRWIA does not impact-assess the rights of children contained in the Charter. The policy from which the rights were created will have already been impact assessed, if appropriate.

2. What aspects of the policy/measure will affect children and young people up to the age of 18?

The Articles of the UNCRC and the child wellbeing indicators under the Children and Young People (Scotland) Act 2014 apply to all children and young people up to the age of 18, including non-citizen and undocumented children and young people.

The Charter is expected to affect children and young people indirectly, as it clearly articulates their rights when accessing NHS services or receiving NHS care, provides information in a manner which is accessible to children and families and sets out what they can do if they feel their rights have not been respected.

3. What likely impact – direct or indirect – will the policy/measure have on children and young people?

'Direct' impact refers to policies/measures where children and young people are directly affected by the proposed changes, e.g. in early years, education, child protection or looked after children (children in care). 'Indirect' impact refers to policies/measures that are not directly aimed at children but will have an impact on them. Examples include: welfare reforms, parental leave, housing supply, or local transport schemes.

The Charter is likely to have an indirect impact on children and young people, as it sets out to raise awareness of - rather than alter – their rights and responsibilities. As there are specific rights for those under age of 16 contained in the Charter, and this group may not be aware of these rights, it is important that the Charter is promoted directly to young people.

4. Which groups of children and young people will be affected?

Under the UNCRC, 'children' can refer to: individual children, groups of children, or children in general. Some groups of children will relate to the groups with protected characteristics under the Equality Act 2010: disability, race, religion or belief, sex, sexual orientation. 'Groups' can also refer to children by age band or setting, or those who are eligible for special protection or assistance: e.g. preschool children, children in hospital, children in rural areas, looked after children, young people who offend, victims of abuse or exploitation, child migrants, or children living in poverty.

The Charter has the potential to affect all groups of children and young people. It will be made available in a range of formats that ensure children with disabilities are not excluded or limited when accessing the Charter. We have consulted with disability groups to determine the appropriate formats to use and how to raise awareness of the Charter by utilising appropriate disability networks.

The Charter will be made available in different languages and will therefore have a positive impact on children with the protected characteristic of race who may not have English as their first language. The Charter will be disseminated through BME and refugee networks so that people of different races are made aware of their rights.

5. Will this require a CRWIA?

Explain your reasons.

No.

In line with the guidance, which states there is no absolute threshold or test for what is 'significant' enough to trigger a CRWIA, we took into account the following indicators and determined there was no need for a CRWIA:

- The vulnerability of the groups affected by the policy/measure
- The numbers of children and young people affected by the policy/measure
- The consequences of the policy/measure for those who work with these children
- Whether a high level of resources will be committed to the policy/measure
- How high profile the policy/measure is
- Whether this is a major new direction for policy
- Whether the policy/measure will be subject to consultation
- Whether the policy/measure is in legislation
- Whether there is a lack of evidence on the way in which the policy/measure affects or could affect children and young people, including evidence from children themselves
- Whether it is difficult to anticipate what the impact will be on children and young people

CRWIA Declaration

Tick relevant section, and complete the form.

CRWIA required

CRWIA not required

X

Authorisation

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Date

26/06/2019

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26/6/19



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