

Equality and Children's Rights Impact Assessment Policy



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Equality and Children's Rights Impact Assessment Policy			
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Nov 2025	Head of Equality and Human Rights	v0.1-3	New policy under development. Updated with feedback from consultation
Jan 2026	Head of Equality and Human Rights	v1.0	Approved by the Policy Approval Group

Executive Summary

NHS Lothian is committed to ensuring that all decisions, policies, and practices help to achieve equity and uphold children's human rights.

The Equality and Children's Rights Impact Assessment (ECRIA) Policy provides a structured and consistent approach to integrate consideration of equality and children's rights into decision-making processes.

Implementation of the ECRIA policy will support NHS Lothian:

- Achieve its ambition of improving the health of everyone in Lothian.
- Staff to demonstrate our organisational values of care and compassion, dignity and respect, quality, teamwork and openness, honesty and responsibility.
- Comply with its equality and children's human rights statutory duties.

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1.0 Purpose

The purpose of this policy is to set out a structured and consistent process to guide all staff to make equality and children's human rights a key part of service planning, design, and decision-making. The policy supports staff to carry out their work in a way that demonstrates NHS Lothian values and complies with the following statutory obligations:

- Specific equality duty to assess and review policies and practices, set out in regulation 5 of the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012.
- Public Sector Equality Duty (PSED) set out in s.149 of the Equality Act 2010.
- UNCRC compatibility duty as set out in s.6 of the UNCRC (Incorporation) (Scotland) Act 2024.
- Fairer Scotland Duty, addressing socio-economic inequalities as set out in s.1 of the Equality Act 2010.
- Corporate Parenting duties, supporting care-experienced children and young people as set out in s.58 of the Children and Young People (Scotland) Act 2014.

2.0 Policy statement

NHS Lothian is committed to improving the health of the population and delivering healthcare services that are fair, inclusive, and respectful of the human rights of everyone. To achieve this, we must ensure that equality and children's rights are considered in every decision, policy, and practice. This commitment is not only a matter of ethical responsibility and good practice it is also a legal requirement under Scottish and British legislation.

The ECRIA policy aims to ensure that NHS Lothian makes decisions and delivers services that:

- Will have a positive impact on improving the health of everyone in Lothian.
- Advance equality and children's rights and ensure services are accessible and equitable.
- Identify and remove or reduce potential negative impacts of policies and practices.
- Strengthen accountability and transparency.

The ECRIA Policy requires the NHS Lothian ECRIA process to be followed for all proposed new or revised activities. It provides a structured framework to ensure that when decisions are made, NHS Lothian has due regard to the potential:

- Equality impact on people sharing protected characteristics, people experiencing socio-economic disadvantage, and people who are care experienced.
- Impact on compatibility with children's rights.

Ensuring that due regard is given to equality and children's rights requires knowledge and action throughout NHS Lothian. The role of leadership in making this happen is

particularly important because the duty to have due regard to equality when carrying out public functions ultimately rests with the decision-maker. Leaders and decision-makers at strategic, tactical, and operational levels must take proactive steps to ensure that equality and children's rights considerations are demonstrably integrated into the decision-making process. The ECRIA policy provides clarity about what the duty entails, and the information leaders and decision-makers need to comply with their statutory duties.

3.0 Scope

The ECRIA Policy applies to all NHS Lothian staff involved in developing and approving new or revised strategies, policies, projects, service changes or other activities.

It applies to all NHS Lothian public functions unless a decision is made that equality and children's rights are not relevant to that function.

4.0 Definitions

4.1 Public Sector Equality Duty

The Public Sector Equality Duty (PSED) requires public bodies, when they are carrying out their public functions, to have due regard to the need to:

- Eliminate unlawful discrimination, harassment, and victimisation.
- Advance equality of opportunity for people with different protected characteristics.
- Foster good relations between people with different protected characteristics.

4.2 Specific Equality Impact Assessment Duty

There are separate specific equality duties for Scottish listed public authorities, which aim to support performance of the PSED. The Scottish specific equality impact assessment duty requires NHS Lothian, where and to the extent necessary to fulfil the PSED, to assess the impact of applying a proposed new or revised policy or practice against the three "needs" in the PSED.

When an equality impact assessment is required, public authorities must:

- Consider relevant evidence relating to persons who share relevant protected characteristics.
- Take account of the results of any assessment made by it in respect of that policy or practice.
- Once a new or revised policy or practice has been agreed, publish the results of any assessment within a reasonable period.

4.3 Equality Act 2010 Protected Characteristics

The PSED requires listed public authorities, and anyone performing public functions, to consider how their policies and practices affect 'equality' for people sharing a protected characteristic in the Equality Act 2010. The Equality Act 2010 protected characteristics are:

- age
- disability
- gender reassignment
- marriage and civil partnership (only in employment for PSED)
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

4.4 Fairer Scotland Duty

The Scottish Government brought the socio-economic duty in section 1 of the Equality Act 2010 into effect for listed Scottish public authorities in 2018. The Fairer Scotland Duty requires public bodies to intentionally consider how strategic decisions can reduce socio-economic inequalities. This includes:

- Performing Fairer Scotland assessments to analyse potential impacts of strategic decisions on people experiencing inequalities caused by socio-economic disadvantage.
- Embedding Fairer Scotland assessments into the equality impact assessment process to support informed decision-making.

4.5 Corporate Parenting

The Children and Young People (Scotland) Act 2014 places a duty on public bodies to be corporate parents and support care-experienced children and young people up to age 26. Responsibilities include:

- Monitoring and addressing issues affecting their wellbeing.
- Promoting their interests.
- Providing opportunities that contribute to safe, healthy, and nurturing lives.
- Working in partnership to improve service delivery for this group.

4.6 Children’s Rights Compatibility Duty

Rooted in the UN Convention on the Rights of the Child (UNCRC) and incorporated into Scots law via the UNCRC (Incorporation) (Scotland) Act 2024, this duty requires public authorities not to act in a way that is incompatible with relevant UNCRC requirements.

Scottish Government statutory guidance recommends that Scottish public authorities review compatibility of existing functions and proposed new or revised activities against relevant UNCRC requirements. NHS Lothian has incorporated the relevant parts of the Scottish Government’s suggested [Framework for revising compatibility with UNCRC requirements](#) into the ECRIA process.

4.7 ECRIA Policy Definition of Children

The NHS Lothian ECRIA Policy uses the UNCRC definition of a child, as set out in Article 1 – ‘a child means every human being below the age of eighteen years.’

5.0 Implementation roles and responsibilities

5.1 NHS Lothian ECRIA Process

It is the responsibility of the Senior/Executive Lead and the Project Lead to ensure the ECRIA Process is completed. The ECRIA Process is:

- At the project initiation stage decide if there is a need to carry out an ECRIA using the [ECRIA Initial Checklist Form](#).
- If it is decided that it is either not relevant and/ or not necessary to carry out an ECRIA, a record of this decision and the reasons why an ECRIA is not required must be kept. This decision should be recorded in the ECRIA Initial Checklist Form. Senior Management Teams and other decision-making groups may choose to use an ECRIA tracker or log document to support good record keeping. A template ECRIA tracker is available on the [NHS Lothian ECRIA webpage](#). Keeping records of this part of the ECRIA decision process is essential to demonstrate due regard to equality and children’s rights has been given.
- If it is decided that an ECRIA is required but should be carried out at a later stage of the project, the ECRIA Initial Checklist Form should be completed explaining when the ECRIA will be completed and why.
- If an ECRIA is required the [NHS Lothian ECRIA guidance and templates](#) should be used to support completion.
- The results of the ECRIA must be taken into account when finalising the proposal.
- The results of the ECRIA must be written in a report, using direct and simple language, avoiding jargon and acronyms where possible, and shared with decision-makers so they can take the results into account when making their decision about whether to implement the proposed new or revised activity. This helps to provide decision-makers with the information they need to make good, evidence-based decisions and to comply with their legal duties. The results may be summarised in

meeting papers such as a CMT or SMT reports and decision makers should also be made aware that they can access the full ECRIA report.

- The ECRIA report must be approved by the senior responsible person for the proposed activity.
- Decision-makers must take into account the results of the ECRIAs when making decisions. If an ECRIA is not included as part of the proposal, decision-makers must be satisfied with the reasons why an ECRIA is not required. If this forms part of the recommendations presented in the paper, and this recommendation is accepted, then this decision does not need to be noted. Otherwise, decisions about whether an ECRIA is required or not should be noted in the minutes of meetings.
- The ECRIA report must be published on the NHS Lothian website as soon as practicable after a decision to implement the proposed activity is made.

5.2 NHS Lothian ECRIA Guidance and Templates

The NHS Lothian ECRIA guidance and template have been developed by the NHS Lothian Equality & Human Rights Team and should be used by NHS Lothian staff to complete the ECRIA process. There are two templates that can be used depending on the complexity of the matter. The templates are available on the [Equality and Human Rights pages](#) on the NHS Lothian website.

Where a proposal is being developed by a Health and Social Care Partnership (HSCP) Joint Director/Integrated Joint Board Chief Officer or Deputy, and the decision about whether to implement the proposal will be made by an NHS Lothian Executive Group (such as the Corporate Management Team), the HSCP may use its own ECRIA template to complete the assessment. The HSCP ECRIA should still be published on the NHS Lothian website. If the HSCP does not have its own template, the NHS Lothian ECRIA template should be used to ensure consistency and compliance with statutory duties.

5.3 NHS Lothian Board and Senior Leadership

Ensure that all their decisions have given due regard to equality and children's rights obligations.

Determine and maintain an appropriate level of assurance that NHS Lothian is implementing the ECRIA policy and fulfilling its duties regarding equality and children's rights.

5.4 Executive Leads, Managers and Project Leads

Ensure ECRIAs are completed, or the reasons why an ECRIA is not required are recorded, for all proposals about new or revised activities.

Ensure ECRIAs are done well and to a high standard.

Ensure ECRIA Reports are approved by the senior responsible person for the proposed activity.

Ensure results of ECRIAs are taken into account in decision-making or, if an ECRIA has not been done, they are satisfied that it is not required.

Understand their own and their team's learning needs in relation to equality and children's rights and ensure completion of NHS Lothian equality and human rights training to meet any learning needs.

5.5 Health and Social Care Partnership Joint Directors

Ensure ECRIAs are completed for proposals about non-delegated NHS Lothian services, or the reasons why an ECRIA is not required are recorded.

Ensure results of ECRIAs are taken into account in decision-making or, if an ECRIA has not been done, the decision-maker(s) are satisfied that it is not required.

Understand the learning needs of NHS Lothian staff in their teams in relation to equality and children's rights and ensure completion of NHS Lothian equality and human rights training to meet any learning needs.

5.6 NHS Lothian Staff

Lead and participate in ECRIAs, if required.

Ensure ECRIAs are done well and to a high standard.

Understand their own learning needs in relation to equality and children's rights and participate in NHS Lothian equality and human rights training to meet these needs.

5.7 NHS Lothian Equality & Human Rights Team

Provide guidance, training, and assurance for the ECRIA process. Information about ECRIA training is published on the [NHS Lothian Equality & Human Rights Education webpage](#). On receipt of a completed ECRIA report the Equality & Human Rights Team will publish it on the [NHS Lothian ECRIA webpage](#).

6.0 Associated materials

[Equality, Fairer Scotland, and Children's Rights Impact Assessment Guidance](#), NHS Lothian Equality and Human Rights Team.

[Flowchart of Assessment Process](#), NHS Lothian Equality and Human Rights Team.

[Information and advice on Equality and Human Rights for staff](#), NHS Lothian Equality and Human Rights Team.

[A summary of the UN Convention on the Rights of the Child \(UNCRC\)](#), UNICEF United Kingdom.

[Equality and Human Rights Monitor: Is Scotland Fairer?](#), Equality and Human Rights Commission Scotland.

7.0 Evidence base

Equality Act 2010. Available at:

<https://www.legislation.gov.uk/ukpga/2010/15/contents> [Accessed: 9 December 2025].

Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, regulation 5. [currently in draft] Available at:

<https://www.legislation.gov.uk/sdsi/2012/9780111016718/regulation/5> [Accessed: 9 December 2025].

Equality Act 2010, s. 149 Public Sector Equality Duty (PSED). Available at:

<https://www.legislation.gov.uk/ukpga/2010/15/section/149> [Accessed: 9 December 2025].

Equality Act 2010, s. 1 Fairer Scotland Duty (2018) Available at:

<https://www.legislation.gov.uk/ukpga/2010/15/section/1> [Accessed: 9 December 2025].

Fairer Scotland Duty: Guidance for Public Bodies, Scottish Government, 2022. Available at: <https://www.gov.scot/publications/fairer-scotland-duty-guidance-public-bodies/documents/> [Accessed: 9 December 2025].

UNCRC (Incorporation) (Scotland) Act 2024. Available at:

<https://www.legislation.gov.uk/asp/2024/1/contents> [Accessed: 9 December 2025].

UNCRC (Incorporation) (Scotland) Act 2024, s.6 Acts of public authorities to be compatible with the UNCRC requirements. Available at:

<https://www.legislation.gov.uk/asp/2024/1/section/6> [Accessed: 9 December 2025].

Children and Young People (Scotland) Act 2014. Available at:

<https://www.legislation.gov.uk/asp/2014/8/contents> [Accessed: 9 December 2025].

Children and Young People (Scotland) Act 2014, Part 9, s.58 Corporate parenting responsibilities. Available at: <https://www.legislation.gov.uk/asp/2014/8/section/58>

[Accessed: 9 December 2025].

8.0 Stakeholder consultation

The requirement for this policy was agreed at the NHS Lothian Corporate Management Team meeting on Tuesday 17 December 2025.

NHS Lothian’s approach to equality and children’s impact assessments, which informs this policy, was developed using the Equality and Human Rights Commission technical and non-statutory guidance on the PSED in Scotland and as part of engagement about the NHS Lothian Equality and Human Rights Strategy 2023-2028, including:

- NHS Lothian Senior Management Teams
- NHS Lothian CMT and Board
- NHS Lothian Strategic Planning Directorate
- NHS Lothian Public Health and Health Policy Directorate

- NHS Lothian Child Health Commissioner
- NHS Lothian Staff Equality Networks
- NHS Lothian Partnership Forum
- NHS Scotland Equality Lead Network
- UNCRC (Incorporation) (Scotland) Act 2024 statutory guidance

The draft policy was placed on the NHS Lothian Consultation Zone for a period of 4 weeks to give all NHS Lothian staff an opportunity to provide feedback/comment and was further shared with NHS Scotland Equality Lead Network and the four Lothian Council's Equality Leads.

9.0 Monitoring and review

ECRIA Policy compliance will be monitored by:

- CMT and SMT groups
- Regular audits by the Equality Team
- Equality and Human Rights annual report submitted by the Head of Equality to the NHS Lothian Board.

The policy will be reviewed, as a minimum, every 3 years, or sooner as a result of any changes to legislation or relevant guidance.