



Legislative Consent Memo – Child Poverty Bill

Members of the Campaign to End Child Poverty in Scotland welcome the general principles of the Child Poverty Bill. Giving legal force to the commitment to eradicate child poverty by 2020 is a major opportunity to shape and drive policy to tackle poverty and thereby improve the life chances and quality of childhood of the 240 000 children living in poverty in Scotland. The legislation will compel current and successive governments in London and Edinburgh to account for what they are doing to achieve that goal.

We particularly welcome that the Child Poverty Bill places parallel responsibilities on the Scottish and UK Governments. A consistent approach across all spheres of government is vital if child poverty is to be eradicated in Scotland. Child poverty is a complex issue that requires a multifaceted approach. Action needs to be taken in a broad range of policy areas that cut across reserved and devolved responsibilities.

Members of the Campaign to End Child Poverty in Scotland are committed to working with the Scottish and UK Government to ensure that the legislation provides a robust framework to drive action to end child poverty. We urge Members to support the Legislative Consent Memorandum.

Key issues for Scotland

There are two areas where we believe the provisions of the Bill which relate to Scotland could be strengthened. We urge MSP's to carefully consider these issues during the passage of the Legislative Consent Memorandum.

1. How local authorities and their community planning partners (CPPs) can be incorporated into the Framework of the Bill. We believe that statutory duties would be the most efficient way of ensuring local authorities and CPPs play an active role and drive progress to end child poverty at local level. In the absence of statutory duties we recommend that the Scottish Government make explicit commitments to:

- i) Support local authorities and their CPPs to reduce child poverty in their area through the development of a toolkit.
- ii) Outline a clear role for local authorities and their partners in the Child Poverty Strategy, and provide a clear expectation that reducing child poverty should be a local priority in all SOAs.
- iii) Review progress in reducing child poverty in a year's time and if progress is not being made review the approach for driving action and holding all partners to account.

2. The Bill should state that the Scottish strategies (clause 10) should consider the devolved elements of the building blocks set out in clause 8(5).

What does the Bill do?

The Bill aims to drive progress to eradicate child poverty across the UK. To achieve this, the Bill seeks to set and define targets to eradicate child poverty in legislation and create a framework for monitoring progress and driving action at national and local level. The measures that apply to Scotland are:

- **A duty on the Scottish Government to produce child poverty strategies (to be revised every 3 years)** setting out the measures that will be taken to meet the 2020 target. The Scottish strategy is to be laid before the Scottish Parliament (clause 10).
- **Scottish Ministers will be required to request the advice of the Expert Child Poverty Commission in preparing the Scottish Government's child poverty strategy and to have regard to that advice.** The Bill will also include a right for Scottish Ministers to appoint a Scottish Commissioner to the Commission and be consulted by the Secretary of State on overall membership (clause 9 and 12).
- **A duty on the Scottish Government to report annually to the Scottish Parliament on the measures taken and progress made in tackling child poverty** and ensuring that children in Scotland do not experience socio-economic disadvantage (clause 10 (7)). We welcome the fact that the Bill has been amended to state that Scottish Ministers should lay progress reports before the Scottish Parliament. One of the key aims of the Bill is to strengthen monitoring and accountability around progress on reducing the number of children in Scotland living in poverty. This will ensure that the Scottish Parliament has a regular and effective means of scrutinising progress.

The Scottish duties are outlined in the context of the main elements of the Bill:

- **A duty on the Secretary of State to ensure that a range of child poverty targets are met.** The Bill defines the targets based on a relative income measure, a combined income and material deprivation measure and a measure of persistent poverty (clauses 1-6).
- **A duty on the UK Government, along with the Northern Ireland Assembly to produce a strategy to eradicate child poverty** (and in line with the strategy to be prepared under the Welsh Measure on child poverty) (clauses 8 and 11).
- **A duty on the Secretary of State to consult, among others, the devolved administrations when preparing a UK strategy (Clause 9:4)**
- **Establishment of an expert child poverty commission** which is charged with advising the UK Government and Devolved Administrations on the development and implementation of their strategies to end child poverty (clauses 7, 9 and Schedule 1).
- **A duty on the Secretary of State to report to Parliament annually on progress against the strategy** (clauses 13-14).
- **Duties on local authorities and their partners in England** to work to reduce child poverty and to prepare local strategies (clauses 18-24).

Key issues for Scotland

1. How local authorities and their community planning partners in Scotland can be incorporated into the Framework of the Bill

Local authorities and their community planning partners (CPPs) have a key role to play in eradicating child poverty. The way that, for example, income maximisation services, housing provision, employability services, education, childcare and local health services are delivered can act either to reinforce the poverty experienced by too many of our children or to prevent poverty and support families out of poverty. Getting local service policy, planning and delivery right is critical.

We believe that statutory duties on local authorities and CPPs in Scotland would be the most efficient way of ensuring local authorities play an active role and drive progress to end child poverty at local level. The Bill places duties on local authorities in England to work to reduce to child poverty. Similarly, the Welsh Measure on child poverty places duties on local authorities in Wales to take action to tackle child poverty. We are concerned that priority and focus on ending child poverty would be weaker in Scotland without similar duties. In addition, we are concerned that monitoring progress at a local – and thus national – level will be more difficult and local authorities will not be accountable for their part in ending child poverty in Scotland. However, we are aware from the Cabinet Secretary for Health and Wellbeing’s evidence to the Local Government and Communities Committee on the Bill that statutory duties will not be introduced in Scotland. However, the Cabinet Secretary did recognise the important role of local authorities in reducing child poverty and outlined the approach to be taken in Scotland:

‘In Scotland, local authorities will contribute through our arrangements with them, not through their having specific duties conferred on them. We have the national performance framework, the relevant national outcomes and indicators that set the direction that we have agreed already with COSLA, and the achieving our potential and equally well strategies, which will help us to meet the targets. Single outcome agreements can and do include indicators that are relevant to child poverty... There is no intention, whether through the legislative consent motion or through the bill, to confer such statutory duties on local authorities, and we are certainly not planning to confer any other new statutory duties on them at this stage.’ Cabinet Secretary for Health and Wellbeing, 28.10.09¹

■ **Current approach and role of Single Outcome Agreements**

Scottish Government has stated that progress in implementing ‘*Achieving our Potential – a framework for tackling poverty and income inequality*’ and thus measures to tackle child poverty, will be monitored through Single Outcome Agreements (SOAs). Our analysis of the extent to which efforts to reduce child poverty are addressed in SOAs 2009 found that:

- There is a lack of priority for tackling child poverty across SOAs. Half of SOAs mention child poverty directly, yet only four SOAs have explicitly stated that tackling child poverty is a priority and only two SOAs have set a local outcome to reduce child poverty.
- Explicit indicators for measuring progress in reducing child poverty lack ambition and urgency.
- All SOAs discuss poverty and deprivation, yet it is difficult to identify strategic approaches to tackling child poverty (and poverty more generally).
- There is a lack of clarity regarding what policy areas are seen as contributing to reducing child poverty across SOAs which makes it difficult to draw overall conclusions about the extent to which child poverty is addressed in SOAs. Only one SOA refers to developing a local child poverty strategy.²

■ **Recommendations to Scottish Government**

In the absence of statutory duties on local authorities and their CPPs in Scotland we would seek strong assurances from the Scottish Government that mechanisms will be established to ensure local authorities in Scotland play an active role and drive progress to tackle child poverty and ensure a robust monitoring framework to measure progress at local level. In this situation we would recommend that the Scottish Government make explicit commitments to:

¹ <http://www.scottish.parliament.uk/s3/committees/lgc/or-09/lg09-2602.htm#Col2518>

² Campaign to End Child Poverty in Scotland (2009). *Single Outcome Agreements: An analysis by the Campaign to End Child Poverty in Scotland*. Campaign to End Child Poverty in Scotland.

- i) **Support local authorities and their CPPs to reduce child poverty in their area through the development of a toolkit** to raise awareness of the pivotal role that local authorities and CPPs can play and provide practical guidance to analyse the factors contributing to and affecting local child poverty rates. Tools should include the most reliable and comparable data sources, support to develop meaningful targets and measures of progress at local level.
- ii) **Outline a clear role for local authorities and their partners in the Child Poverty Strategy**, and provide a clear expectation that reducing child poverty is a local priority within all SOAs.
- iii) **Review progress in reducing child poverty in a year's time** and if progress is not being made review the approach for driving action at national and local level and how all partners will be held to account to deliver on ending child poverty.

2. The Bill should state that the Scottish strategies (clause 10) should consider the devolved elements of the main policy areas for tackling child poverty set out in clause 8(5)

The Bill sets out broad policy areas that the UK Government has to consider in developing a UK strategy. The areas set out in the Bill are:

- The promotion and facilitation of the employment of parents or of the development of the skills of parents.
- The provision of financial support for children and parents.
- Health, education and social services.
- Housing, the build or natural environment, and the promotion of social inclusion.

There is no similar duty on the Scottish Government to consider the key devolved policy areas for tackling child poverty. We believe that there should be a duty on Scottish Government to consider these elements to ensure that a complimentary approach is taken in Scotland and that links are made in the UK and Scottish strategies between devolved and reserved policy areas. We therefore recommend that the Bill should state that the Scottish strategies should consider the devolved elements of the main policy areas for tackling child poverty set out in clause 8(5).

End Child Poverty

End Child Poverty, is a growing coalition of over 150 children's and other charities, social justice groups, faith groups, trade unions and other organisations concerned about the unacceptably high levels of child poverty in the UK - who have united to demand current and future Governments Keep the Promise to End Child Poverty.