

The Socio-Economic Duty: A Consultation

Response from Child Poverty Action Group Scotland.

QUESTION 1

The key terms defined in this section are: **Socio economic disadvantage, Inequalities of outcome, Decisions of a strategic nature, Due regard.**

Do you agree that the definitions of these are reasonable and should be included within the Scottish Government's forthcoming guidance on the socio-economic duty?

CPAG in Scotland welcomes the intention of the Scottish Government to introduce the socio-economic duty in Scotland following its transfer to Scottish Ministers following the Scotland Act 2016.

The proposed timescale to commence the duty by end of 2017 is extremely tight and CPAG believes there will need to be effective in-depth engagement across all sectors to realise the ambition.

The definitions are, in the main, reasonable and the broad purpose of the duty is sound but CPAG Scotland would welcome increased clarity of the key terms to help inform both policy development and provide clearer definitions to ensure the socio-economic duty is effective and fit for purpose.

Socio economic disadvantage: CPAG welcomes the recognition that socio-economic disadvantage is not defined just by area but also by communities of interest.

We would support the definition of socio-economic disadvantage and any guidance to public bodies being amended to include specific reference to children when setting out examples.

Families with children are more likely to be poor than people without children and this should be taken into consideration when discussing communities of place, interest and individual households.

Inequalities of outcome: CPAG Scotland welcomes the acknowledgement of the impact of structural factors on outcomes for individuals and the explicit statement that an effective way to tackle socio-economic disadvantage directly is by reducing poverty.

Child poverty has a negative impact on all aspects of wellbeing, both in childhood and in later life.

Any guidance for public bodies should set out clearly what measurement frameworks could and should be used by public bodies to measure inequalities of outcome to enable effective monitoring.

The definition of inequalities of outcome, and "any measurable differences in what happens to people through their lives" should also recognise that childhood outcomes are important, and not just adult outcomes. The UN Convention of the Rights of the Child recognises that childhood is a stage of life, with its own values. The socio-economic duty on public authorities should also provide an opportunity to make childhood better and more fulfilling in of itself, and not just for its impact on later life chances.

Decisions of a strategic nature: CPAG Scotland broadly supports the definitions of key, high-level decisions as laid out in the consultation document.

While we recognise the list of examples is not exhaustive, we would wish to see further clarification within the guidance on the difference between strategic decisions and operational decisions within organisations.

It would also be useful to have further clarification of how the strategic decision making as set out in the guidance for the socio-economic duty, links with those duties on public authorities through children's services planning, meeting the soon to be introduced local child poverty duties and any commitments made by CPPs as set out in Local Outcome Improvement Plans.

Due regard: CPAG Scotland would support the strengthening of the definition of 'due regard'. It is important that, in consideration of the requirements of the duty and balancing these with other objectives, that any decisions which could reduce inequalities in outcome are not outweighed by other factors.

The socio-economic duty should enable public authorities to operate within their financial thresholds while adopting coherent policies (as set out in the consultation document) to tackle inequality. However, CPAG Scotland is concerned that the current wording is too weak e.g. the duty only requires that public authorities "*explore* how they *might* reduce inequalities in outcome" and should be strengthened in the definition and the guidance.

The definition of 'due regard' as it relates to the socio-economic duty could for example, replicate the existing approach taken under the Public Sector Equality Duty in Scotland, rather than creating a new definition.

QUESTION 2A

Do you agree that the socio-economic duty should apply to the Scottish public authorities named here? If not, please specify which you do not think it should apply to and why?

CPAG agrees with the socio-economic duty applying to the listed organisations as set out within the consultation document. CPAG would also support the adoption of the socio-economic duty by other public authorities if they cannot be explicitly included within the legislation (due to the limitations set out in the consultation) as adoption of good practice to help deliver the Fairer Scotland ambitions.

QUESTION 2B

Do you think the duty should apply to any other public authorities, similar to those listed in the Equality Act 2010? If so, please name them and explain why you think the duty should apply.

CPAG would support the Scottish Government considering how public bodies, which are not specified in the 2010 Act, could be subject to the socio-economic duty or be encouraged to implement the duty on a voluntary basis. This could then include bodies such as the Scottish Funding Council, SDS, Health Improvement Scotland and the Care Inspectorate who are not otherwise listed.

CPAG would also support the Scottish Government exploring how CPPs and members of CPPs not listed in the consultation, such as Regional College Boards, could 'opt-in' to the socio-economic duty.

CPAG particularly welcomes the explicit intention to include the Scottish Social Security Agency within the socio-economic duty once it is established.

QUESTION 3A

Do you have any comments on the steps set out in SECTION 3?

CPAG Scotland believes the steps set out in Section 3 appear to provide for public authorities to demonstrate how they are meeting the duty.

For accountability purposes, more detailed guidance on these steps, to enable consideration of when and how public authorities differ from each other, would be helpful.

A clear reporting framework would help ensure outcomes are measurable and assist the guidance in providing clear indications of what public authorities are being asked to work towards when setting out how they meet the duty. This does not have to be a new measurement framework, but the guidance must be clear on how the continuous improvement to existing monitoring systems could be achieved.

QUESTION 3B

What other actions could public authorities take to demonstrate that they are meeting the duty?

Transparency of decision making would provide confidence that public authorities are meeting the duty. The consultation document describes the need for a 'clear audit trail'. This should be strengthened and could include a requirement to carry out and publish impact assessments, similar to current equality duties. Currently, the consultation suggests that this would be optional.

QUESTION 3C

Could you offer suggestions as to how public authorities could improve budgetary analysis and reporting so as to take better account of inequalities related to socio-economic disadvantage?

The guidance could provide support to public authorities to share data on inequalities related to socio-economic disadvantage across organisations to strengthen budgetary analysis and reporting where an individual authority may have gaps in data.

In order to support the child poverty duties set out in the Child Poverty (Scotland) Bill public authorities should undertake an assessment, and report on, the impact of all strategic budget decisions on the contribution they will make to reducing child poverty.

QUESTION 3D

Can you offer examples of how public authorities and others have made best use of the expertise of people with direct experience of poverty?

CPAG would support the use of the expertise of people with direct experience of poverty when making decisions and welcomes the recognition within the consultation document of the positive impacts of fairness commissions.

CPAG's Early Warning System also provides case evidence about how welfare changes are affecting the wellbeing of children, their families and the communities and services that support them.

Information is gathered from frontline workers including: welfare rights workers, housing officers and Early Years staff, as well as CPAG in Scotland's second tier advice line for frontline advisers.

The Early Warning System also collects research from interviews with 12 low income families over a number of years.

The real life experiences gathered through the Early Warning System of those directly impacted by welfare reform is used to inform and influence our policy development and engagement work.

QUESTION 3E

What kind of guidance and support on meeting the duty would be most useful for public authorities?

Clear and robust directions to local authorities and other public bodies regarding their responsibilities in relation to tackling child poverty and the wider outcomes of socio-economic inequality is key to ensuring that the socio-economic duty is implemented usefully.

Without clear guidance and support there could be significant variation in approach and delivery across public sector organisations, and while there needs to be the flexibility to allow localised decision making and implementation, there must be clear parameters to support monitoring and reporting on the duty at a national level.

QUESTION 3F

Do you have a view on whether public authorities should use existing monitoring frameworks to track whether the socio-economic duty is making a difference to outcomes over the long term?

It is important that the proposed new duty complements existing duties and should existing monitoring frameworks provide the most effective, and least burdensome tracking of outcomes, then there could be no need to develop new framework. For example, it is important that the child poverty measurement framework, which is being reviewed with the intention to publish an updated version alongside the Delivery Plans (as set out in the Child Poverty Bill), is considered when tracking the socio-economic duty.

QUESTION 4A

Once the socio-economic duty is introduced, the Scottish Government is keen for public authorities to look strategically across all planning processes in place to maximise their impact.

What could public authorities and the Scottish Government do to make sure that the links between the different duties are managed effectively within organisations?

Effectively resourcing public authorities is key to implementing an effective, forward looking strategic duty, and ensure action is taken to deliver clear outcomes which reduce inequality within communities. Without this, there is a danger that public authorities could simply resort to a 'box-ticking' exercise to demonstrate the key indicators are being addressed.

For example, the Child Poverty (Scotland) Bill Financial Memorandum sets out an estimate of 1/12 of a person's time to deliver the local action plans as set out in the Bill as introduced. Following Stage Two amendments to expand this local reporting to a forward-looking duty, there may be additional capacity issues for delivering the local child poverty action reports.

QUESTION 4B

Can you offer examples of good practice in taking an integrated approach to issues such as poverty, equality, and human rights?

CPAG Scotland welcomes the recognition that the socio-economic duty should not be seen in isolation from existing duties, including the Child Poverty Bill, the Children and Young People (Scotland) Act 2014, the Education (Scotland) Act 2016, and the Community Empowerment (Scotland) Act 2015.

CPAG Scotland would support public authorities drawing on the expertise of the SHRC and EHRC work on incorporating human rights issues into equality impact assessments.

September 2017.