

**Child Rights and Welfare Impact Assessment**

# **Energy Efficient Scotland**

**The Energy Efficiency (Private Rented Property) (Scotland) Regulations 2019**

**June 2019**



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

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

The policy will impact on all children and young people up to the age of 18 (including non-citizen and undocumented children and young people) who live in the least energy efficient private rented housing.

The proposed minimum standards will improve the energy efficiency of the poorest performing homes in the private rented sector. This will contribute to reducing fuel poverty for people living in these houses and will also contribute to a reduction of carbon emissions from these properties.

**2. What likely impact - direct or indirect - will the policy/measure have on children and young people?**

The policy is not directly aimed at children or young people, but is aimed at the homes many of them live in and at reducing carbon emissions from housing. The policy will have an indirect impact on children and young people through improving the energy efficiency of the least efficient properties. This will contribute to reducing fuel poverty for people living in these houses, and making them easier to heat.

**3. Are there particular groups of children and young people who are more likely to be affected than others?**

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. It may be possible to align the CRWIA with the EQIA in these cases. 'Groups' can also refer to children by age band or setting, or those who are eligible for special protection or assistance e.g. pre-school children, children in hospital, children in rural areas, looked after children, young people who offend, victims of abuse or exploitation, child asylum-seekers, or children living in poverty.

Previous work to inform a draft EQIA for consultation has not identified any particular groups that would be affected, and we do not know of any reason that minimum standards for energy efficiency will affect particular groups of young people more than others. However we expect that it will particularly positively impact those families with disabled children and young people because a child's/person's disabilities and other long term health problems can significantly reduce an ability of the body to keep warm, especially if mobility is reduced, leading to greater need for warm rooms.

#### **4. Who else have you involved in your deliberations?**

We discussed the proposed standards with policy leads within Better Homes Division including the Private Rented Sector team and energy efficiency and fuel poverty colleagues. We have also included Building Standards Division, Legal Services and Analytical Services.

We developed proposals through a working group which included various stakeholder interests. Equity of the proposals was discussed, though not with specific reference to children and young people.

Children's Rights and Wellbeing Unit have offered to advise on the CRWIA process and provide support for engagement with children and young people through the consultation period and beyond.

#### **5. Will this require a CRWIA?**

Yes, a CRWIA will be required to ensure the interests of children are considered as part of the consultation process.

**CRWIA Stage 2 - The Energy Efficiency (Private Rented Property) (Scotland) Regulations 2019**  
**Scoping - key questions**

**1. What children's rights are likely to be affected by the policy/measure?**

These regulations will introduce minimum standards for energy efficiency in private rented sector housing which relate to the following UNCRC considerations:

- Article 24 – Health and health services:

All children have a right to the highest attainable standard of health, and to health care services that help them to attain this. Governments must provide good quality health care, clean water, nutritious food and a clean environment so that children can stay healthy.

We think that minimum standards for energy efficiency in the private rented sector will support Article 24 by reducing carbon emissions from rented houses.

- Article 27 (1 – 3) - Adequate standard of living:
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Every child has a right to a standard of living adequate to their physical, mental and social development. Governments should take measures to assist parents and carers who cannot afford to provide this, and in particular to provide assistance and support with food, clothing and housing.

We think that minimum standards for energy efficiency in the private rented sector will support Article 27 by making the least energy efficient houses in the private rented sector warmer and less expensive to heat.

**2. How will the policy/measure affect children's wellbeing as defined by the wellbeing indicators?**

Of the SHANARRI indicators (Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, Included), the policy relates to:

- Healthy: Having the best possible standards of physical and mental health; support to make healthy, safe choices. (relates to article 24).
- Nurtured: Having a loving and stimulating place to live and grow. (Relates to article 27).
- Included: Being a full member of the communities in which they live and learn; receiving help and guidance to overcome inequalities. (Relates to article 27).

We think that requiring landlords of the least energy efficient homes in the private rented sector to improve their energy efficiency children in the private rented sector will improve the environment for families with children living in that sector with respect to improving the indicators 'Healthy', 'Nurtured' and 'Included'.

### **3. How many children and young people are likely to be affected by the policy or measure?**

In Scotland 16 year olds can hold a tenancy, although we do not have details of how many 16 -18 year olds are tenants, 29% of those living in the least energy efficient properties (EPC band F and G) are under 35.

Around a quarter of low energy efficiency dwellings in the PRS are occupied by households with at least one child aged under 16 (23% of PRS dwellings in current bands E, F or G and 29% of PRS dwellings in current bands F or G).

36,000 households with children would be affected by regulation to E and 95,000 by regulation to D. These households represent 21% and 24% of the regulated group respectively. The incidence of households with children is slightly lower in the regulated group than in the population as a whole, at 27%.

The incidence of families in the regulated groups is also similar to the private rented sector as a whole and to Scotland. Around a quarter of low energy efficiency dwellings in the PRS are occupied by households with at least one child aged under 16 (23% of PRS dwellings in current bands E, F or G and 29% of PRS dwellings in current bands F or G); the differences with the shares of families in the PRS as a whole (26%) and in Scotland (24%) are not statistically significant.<sup>1</sup>

### **4. What research evidence is available?**

Previously prepared draft EQIA which was prepared for the 2017 consultation on the policy backdrop to these regulations used data collected by CAD colleagues by matching archetype modelling conducted by contractors to associated survey cases in the Scottish Household Survey and where the information was not available, from the 2011 census.

Evidence for this paper is drawn from the Scottish House Conditions module of the Scottish Household Survey (SHS) collected in the period 2014-2015 and, where insufficient information is available from this source, from the 2011 census.

### **5. Has there been any public or stakeholder consultations on the policy/measure?**

Consultation with stakeholders was primarily through the Regulation of Energy Efficiency in Public Sector Housing Working Group which met during a period of two years to develop the policy. The group had representatives from environmental groups, landlord organisations, local authorities, the fuel poverty sector, consumer organisations and Scottish Government. There were also discussions with a range of groups, including a short life working group of local authorities, groups representing landlords interests and organisations representing the interests of tenants.

There has also been extensive public consultation, primarily in [2017](#) and subsequently in [2018](#).

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<sup>1</sup>2014/15 Scottish Household Survey

**6. Has there been any estimate of the resource implications of the policy/measure?**

A draft BRIA has been completed for previous stages of the process of developing these regulations and has been updated to accompany this stage.

We have also undertaken extensive discussions with Local Authorities to discuss the implications of the Regulation and their role in its enforcement.

**CRWIA Stage 3  
Data Collection, Evidence Gathering, Involvement of/Consultation with  
Stakeholder Groups - key questions**

**1. What does the evidence tell you?**

The evidence base may include demographic information, academic research, service monitoring/inspection reports, service evaluation reports, user surveys etc. Identify any gaps in the evidence base. In particular, look at what the evidence tells you about children and young people's views and experiences of the relevant service(s); and/or what it tells you about children and young people's views of the policy proposal

Requests for views of energy efficiency were aimed at Local Councils, landlords and tenants, not directly at children and young people.

Scottish House Condition Survey, 2015-2017

- Nearly a quarter (23%) of Scottish households have at least one child under the age of 16, which is similar to the prevalence of families in the PRS as a whole (25%).
- Across the tenure groups, the highest proportion of families living in EPC E, F or G rated dwellings are found in the PRS (23%), followed by the owner – occupier sector (15%) and the social sector (8%). Standards are already in place for the social sector through the Energy Efficiency Standard for Social Housing (EESH). Therefore taking steps to improve the energy efficiency of dwellings in the private rented sector is likely to have a positive impact on the wellbeing of children.
- An estimated 85,000 families lived in the PRS in 2015-2017. Of this total, it is estimated that approximately 23% (19,000) of PRS families living in E, F or G rated dwellings will therefore benefit from landlords improving the energy efficiency of their dwellings, particularly as the most vulnerable to the effects of living in cold damp homes includes young children.
- Other studies indicate that children will potentially benefit by: improved respiratory health, and reduction in school absences due to illness arising from cold homes and/or having more heated rooms for undisturbed study. The physical health of infants could also improve in relation to healthy weight gain and lower susceptibility illness.

## **2. What further data or evidence is required?**

Is the evidence up to date, robust and reliable, sufficiently relevant to what is being proposed, or do you need to commission new research?

### Scottish House Condition Survey, 2015-2017

- 2015-17 is the latest available survey data and the use of a three year average allows a sufficient sample size for more detailed analysis.
- Even with a three year average, sample sizes for the regulated to E group are small (111 sampled cases), which means the confidence intervals are relatively large compared to the D regulated group (311 sampled cases), which in turn are larger than the PRS and Scotland rates. Larger confidence intervals mean there is greater uncertainty in the estimated statistic, which increases the likelihood of an apparent difference between figures being within the margin of error.
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## **3. Has there been any consultation on the development of the proposal(s)?**

Public or targeted consultation with children and young people, their parents/carers, the children's workforce - is there enough information on the views of the children and young people who will be affected by the policy/measure?

An extensive consultation on the Private Rented Sector took place in 2017 and, then in 2018, the Energy Efficient Scotland consultation took place. Both consultations communicated heavily with stakeholders, but young people and children were not included. The general public, which would include parents of children and young people were given the opportunity to respond.

## **4. Should children and young people be further involved in the development of this policy? Are there particular groups of children and young people whose views should be sought?**

Specify how - outline the purpose, format, timetable and the questions you want to ask

See 3 above. Children and young people will not be directly approached, but parents of children and young people will be invited to respond to the 2018 consultation.

## **5. Should other stakeholders and experts be further involved in the development of this policy?**

Specify how - outline the purpose, format, timetable and the questions you want to ask

See 3 above. The responses that will be received during the 2018 consultation will be taken into account moving forward.



## CRWIA Stage 4

### Assessing the Impact and Presenting Options - key questions

#### 1. What likely impact will the policy have on children's rights?

No negative impact on children's rights have been identified for those living in the private rented sector.

#### 2 How will the policy/measure contribute to the wellbeing of children and young people?

Provide any additional assessment using the wellbeing indicators framework.

Studies indicate that children with existing health problems can potentially benefit from living in improved house conditions as a result of energy efficiency interventions, with improved respiratory health. Educational attainment may also improve with reductions in school absences due to illness arising from cold homes and/or having more heated rooms for undisturbed study. The physical health of infants could also improve in relation to healthy weight gain and lower susceptibility to illness.

These Regulations will help contribute to the wellbeing of the estimated 19,000 families in the PRS currently living in properties rated EPC E, F or G, bringing them up to a higher standard of at least EPC D. These benefits include a healthy start, the child's wellbeing and happiness, child social and physical development, educational attainment and child confidence.

#### 3. Are some children and young people more likely to be affected than others?

Which groups of children and young people will be affected by the policy/measure? Are there competing interests between different groups of children and young people, or between children and other groups? List options for modification or mitigation of the proposal.

##### Scottish House Condition Survey 2015-2017

- The survey only tells us how many households with children are affected – the small sample sizes limit further in-group analysis and so it is not possible to compare statistics for different groups of children and young people.
- SHCS data suggests that proportionally speaking, the incidence of families in both regulated groups reflects that of the PRS and Scotland as a whole (roughly a quarter).
- However, of all families living in the PRS, 23% (representing around 19,000 households) would be affected by regulation to EPC D. A higher proportion of older households in the PRS would be affected with 37% in the regulated group (around 15,000 households).
- Of all the households in the PRS regulated group to D, families represent 22%, older households 17% and other household types 61%. Although the

groups within the sector represent varied sizes, all groups will be given equal priority.

**4. Resource implications of policy modification or mitigation**

If recommending any changes to the policy/measure, include estimates of cost implications

No further modification to the policy/Regulation is proposed at this point.

**5. How does the policy/measure promote or impede the implementation of the UNCRC and other relevant human rights standards?**

This will inform Scottish Ministers' duty to report to Parliament on children's rights under the Children and Young People (Scotland) Act 2014.

The United Nations Convention on the Rights of the Child (UNCRC) is a legally binding international agreement setting out the civil, political, economic, social and cultural rights of every child, regardless of their race, religion or abilities.

The Private Rented Sector regulations aim to tackle the least energy efficient properties in Scotland, within the private rented sector, with potential positive impact on the health and wellbeing of children.



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