

Final Child Rights and Wellbeing Impact Assessment

Public Services Reform (Poverty and Inequality Commission) (Scotland) Order 2018

June 2018



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**Public Services Reform (Poverty and Inequality Commission)
(Scotland) Order 2018**

**Executive
Summary**

The Public Services Reform (Poverty and Inequality Commission) (Scotland) Order 2018 amends the remit and membership of the Poverty and Inequality Commission established within the Child Poverty (Scotland) Act 2017.

The Order expands the remit beyond the narrow focus on child poverty, and will improve the exercise of public functions, having regard to efficiency, effectiveness and economy, by allowing a single statutory body to provide the wide range of independent advice on poverty and inequality.

The Order will come into force, if approved, on 1 July 2019, allowing a smooth transition from the existing non-statutory Commission and allowing the Commission to continue to operate with a wide remit.

The draft Order amends the Child Poverty (Scotland) Act 2017 in the following ways:

The amendment to section 8, subsection (2) expands the functions of the statutory Commission. The new functions are in line with those of the current Commission, set out in the position paper published by the Scottish Government on 3 July 2017, and the amendment retains the functions that the Child Poverty (Scotland) Act 2017 will give the statutory Commission.

The amendment to the schedule increases the minimum and maximum number of Commission members from those set out in the Act. This is in recognition of the broader remit, and more closely reflects the membership of the current non-statutory Commission. It also amends the experience and knowledge provisions set out in the Act, to ensure that the Commission as a whole is required to have skills and knowledge related to poverty and inequality, rather than just child poverty.

<p>Background</p>	<p>Scottish Ministers, in July 2017, established a non-statutory Poverty and Inequality Commission in order to provide scrutiny, challenge and accountability on poverty and inequality across the full range of Government portfolios.</p> <p>At stage 2 of the Child Poverty (Scotland) Bill, amendments were lodged by Adam Tomkins MSP to establish a Poverty and Inequality Commission in statute. The Scottish Government's position was that the narrow scope of the Child Poverty (Scotland) Bill would effectively limit the remit of a Commission to matters related to child poverty targets, and it would therefore be preferable not to tie the Commission to the Bill.</p> <p>The Committee decided that a Commission on a statutory footing was needed, and so the amendments were accepted at stage 2. A Commission with specific child poverty functions is provided for by the Act. However, Committee and stakeholders recognised the need for the Commission to have a wider focus on poverty and inequality.</p> <p>The Scottish Government therefore explored options for giving the Commission a wide remit, while maintaining the statutory footing that there was a clear desire for.</p> <p>An Order under the Public Services Reform Act 2010 is a pragmatic way of resolving this issue. It allows Scottish Ministers to propose to Parliament an expanded remit for the more limited statutory Commission set out in the Act. It gives Parliament a clear role in approving the revised functions of that Commission, due to the enhanced scrutiny attached to the procedure for such an Order.</p>
<p>Scope of the CRWIA</p>	<p>A CRWIA is required to determine the impact of changes to the Poverty and Inequality Commission on children and young people.</p>
<p>Children and young people's views and experiences</p>	<p>Due to the technical nature of the Order no direct engagement with children and young people has been conducted.</p> <p>Draft copies of the Order and explanatory material were sent by Scottish Ministers to impacted or interested stakeholders including; the existing Poverty and Inequality Commission (established by Ministers on 3 July 2017); Oxfam Scotland; the Child Poverty Action Group (CPAG); Poverty Alliance; the Equality and Human Rights Commission (EHRC); and all members of the former Ministerial Advisory Group on Child Poverty.</p> <p>Comments were received from the existing Commission, Oxfam Scotland, Poverty Alliance, CPAG Scotland, EHRC and COSLA.</p>

	<p>Stakeholders have warmly welcomed the draft Order. For example, both CPAG and the Poverty Alliance confirmed that they are satisfied with the draft Order and sought no further changes to it.</p> <p>A few minor comments were made, and these were considered prior to laying the final draft of the Order.</p>
Key Findings	<p>The required experience and knowledge of proposed Commission members no longer relates specifically to ‘child poverty’ and has instead been replaced with ‘poverty and inequality’.</p> <p>The Commission will provide advice to Scottish Ministers on the measures they propose to include in Delivery Plans due under the Child Poverty (Scotland) Act. This will be implemented in a way which complements children’s rights under the UNCRC, specifically the following articles:</p> <ul style="list-style-type: none"> • Article 2: Non-discrimination • Article 3: Best interests of the child • Article 4: Protection of rights • Article 6: Life, survival and development • Article 12: Respect for the views of the child • Article 24: Health and health services • Article 26: Benefit from Social Security • Article 27: Adequate Standard of Living • Article 31: Engage in Play & Recreational Activities <p>The following children’s wellbeing indicators will be enhanced as a result of the Child Poverty Act: Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included</p>
Conclusions and Recommendations	<p>Whilst the Poverty and Inequality Commission’s focus is expanded through the Order it is unlikely to have a negative impact on children and young people as the original provisions set out in the Act, which give the Commission a specific role in relation to child poverty, are retained in full.</p> <p>The Commission will still undertake the core duties outlined in the Act, such as providing advice on action to be taken to meet the 2030 child poverty targets and providing scrutiny on progress. However it will <u>also</u> provide advice on a wider range of issues, which will likely overlap with the interests of children and young people.</p> <p>As a result of this CRWIA it is concluded that the Scottish Government should proceed with the Public Service Reform Order because it will not negatively impact on children’s rights and wellbeing.</p>

Monitoring and review	<p>The Child Poverty (Scotland) Act has a robust reporting and monitoring framework in place to review progress towards the interim and 2030 targets.</p> <p>The Act outlines that Ministers must set out in the Delivery Plan the changes that have been made as a result of Commission advice. A Progress Report must also include comments or recommendations made by the Commission.</p> <p>As outlined in the amendment the Order will make to introduce section 8(2B) “The Commission must publish any advice it provides to Ministers”. This allows for public and stakeholder scrutiny on the Commission’s outputs.</p>	
CRWIA Declaration		
CRWIA required	CRWIA not required	
Yes		
Authorisation		
Policy lead Andrew Fraser, Policy Officer, Social Justice & Regeneration	Date 15 June 2018	
Deputy Director or equivalent Shirley Laing, Deputy Director, Social Justice & Regeneration	Date 15 June 2018	



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