

CPAG – Seminar for local child poverty leads

Wednesday 29th March 2017



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Attendees

- Stephen Bermingham (Midlothian)
- Nicola Dickie (COSLA)
- George Howie (Aberdeenshire)
- Annette Johnstone (Aberdeenshire)
- Becky MacLean (Eilean Siar)
- Neil McIntosh (Stirling)
- Kay McIntosh (South Lanarkshire)
- Miriam McKenna (Inverclyde)
- Kerry McKenzie (NHS Health Scotland)
- Elaine Nesbit (West Lothian)
- Bernadette Caldwell (Perth and Kinross)
- Sandra Sankey (Improvement Service)
- Robert McGregor (Fife)
- John Dickie (CPAG)
- Hanna McCulloch (CPAG)
- Kirsty McKechnie (CPAG)
- Jenny Duncan (CPAG)

Overview of key points

- There appeared to be widespread support for the Bill, and its measures and targets, from CPAG, COSLA, NHS Health Scotland and the child poverty leads present at the seminar.
- There is a shared sense that the duty on local authorities and health boards could be improved and strengthened. Suggestions as to how this might be achieved included the following:
 - Ensuring the local duty is forward looking and strategic, as well as requiring named bodies to report annually on their progress in the last year.
 - Embedding the child poverty duty in the community planning partnership framework. It was suggested this might require either referring to CPPs in the Child Poverty (Scotland) Bill or by listing relevant community planning partners individually (as in the Community Justice (Scotland) Act 2016).
 - Using regulations and/or statutory guidance to ensure child poverty outcomes are included in local outcome improvement plans.
 - Including the eradication of child poverty amongst Scotland's National outcomes, thereby ensuring its inclusion in Local Outcome Improvement Plans (LOIPs) as well as national strategic planning.
- Local authority leads believe that if the Bill is to be meaningfully implemented it must be accompanied with more resources than currently intended (see [Financial Memorandum](#)). There appears to be a degree of consensus that – as a minimum – local authorities would require adequate resources to employ a full time officer to co-ordinate action across all community planning partners.
- There was support for inclusion of a measurement framework to be underpinned in the Bill. To be meaningful, however, such a framework would need to be developed in partnership with local partners and include indicators which can be used at local and even ward level.
- It was suggested that requiring that all strategic decisions are subject to a “child poverty impact assessment” might help to ensure that child poverty was taken into account at all levels of decision making.

- It was felt that statutory guidance could help to ensure meaningful, practical action was taken by local authorities and their planning partners. To be effective such guidance would need to be directive enough to be practically useful, but not so specific as to be irrelevant for some local authorities and overly ambitious for others.
- It was noted that as drafted, however, the Bill would not legislate for the introduction of statutory guidance.
- Most participants appeared to agree that the Bill could be used as a means of improving access to information and advice as a way to maximise family incomes and reduce child poverty. This would involve placing a duty on local authorities to provide welfare rights and income maximisation advice.

CPAG Input

1. Child Poverty Action Group (CPAG) in Scotland opened the seminar by restating the organisation's support for the Bill and the importance of the income based targets it contains.

1.2 Hanna McCulloch, Policy and Parliamentary Officer for CPAG then went on to highlight areas where CPAG in Scotland believe there is scope to improve the Bill.

Improving accountability

2. CPAG would like to see interim targets, or at least a single interim target included in the Bill in order to maintain ongoing focus on the need to address child poverty and to keep political and media attention from straying too far over the course of 13 years. CPAG believe that interim targets also encourage realistic planning and modelling from day one, so that all parties have a clear idea of what is possible and how it will be achieved. A sensible place to start those discussions might be that we be halfway to achieving the target after half the available time has passed.

Independent scrutiny

3. Another way that accountability might be improved is by ensuring that independent scrutiny is being carried out by an expert body, legally separate from the Scottish Government or indeed from local authorities or health boards.

3.1 Having an independent commission (fulfilling a role similar to that of the Child Poverty and Social Mobility Commission under the Child Poverty Act 2010) would mean there was always a voice that could speak authoritatively – and without any fear of their dissolution – about child poverty in Scotland and how well the government progressing towards its targets.

3.2. The current Bill provides an opportunity to establish the role and functions of such a commission, as well as the key characteristics that it should have in law. Basic characteristics might include that the commission has members with expertise in measuring and understanding poverty, expertise in engaging with those people experiencing or at risk of poverty, and in-depth understanding of the causes and effects of child poverty.

Ensuring clarity of policy direction

4.1. Clause Seven of the Bill states that Scottish Ministers should produce Delivery Plans setting out the measures that they propose to take for the purpose of meeting the income targets.

4.2. It will be essential that these delivery plans focus on policies that will directly contribute to meeting the legislative targets by increasing income, reducing material deprivation and reducing the cost of housing.

4.3. For this reason, either the legislation or the regulations should specify areas that should be covered by the delivery plans, such as the facilitation of employment for parents and carers, the full

use of Scottish social security powers, the provision of information, advice and assistance, access to affordable housing, access to affordable childcare.

Measurement Framework

5.1. There is currently a measurement framework which sits beneath the Scottish Government's Child Poverty Strategy. CPAG believe that having such a framework is important in that it allows us to understand where progress is being made as well as where progress has stalled. There are, however, some concerns about the current measurement framework.

- That some of the indicators are arbitrary (whether poorest children can talk to their mother, whether people in the neighbourhood stop to talk, what crime rates are like in the locale).
- That they don't necessarily tie directly with reducing child poverty using the income based measures
- That the measurement framework is of limited use locally because much of the information that would be needed to report locally isn't available at local level.

5.2. The Bill provides an opportunity to address some of these issues. This might include a duty to work with local authorities and health boards to produce a measurement framework. It might also state that the indicators included in the measurement framework should relate directly to the headline measures. It might also ensure that statistics and information relating to the measures can be gathered at local or even ward level.

Strengthening the local dimension

6.1. As drafted, the Child Poverty (Scotland) Bill 2017 will place a duty on local authorities and health boards to produce "local child poverty action reports". CPAG welcome this local dimension but believe that there may be a need for amendment to ensure the duty is meaningful and well resourced.

6.2. We are concerned that the current provision is retrospective, requiring local authorities and health boards to describe what they have done in the last year rather than planning for future actions. We want child poverty to be an integral part of local planning processes. We want local authorities and their strategic partners to take a strategic, forward looking approach to tackling child poverty. We want child poverty to be embedded in everything the local authority does. We are exploring how the Bill might be amended so as to achieve this.

Substantive Measures to Address Poverty

7.1. Given the scale of the challenge of eradicating child poverty in Scotland CPAG believe the Bill should include specific and substantive measures which will contribute to lifting children out of poverty.

7.2. This might include a commitment to ensure that social security powers are used to reduce child poverty, as well as a duty to annually review the overall value of social security support for families to ensure devolved social security policy is contributing to reducing child poverty. In particular, CPAG suggests the legislation include an initial commitment to use new social security powers to top-up child benefit by £5 a week per child (thereby reducing child poverty by up to 14% and lifting around 30,000 children out of poverty¹).

7.3. Evidence also suggests that many families are struggling financially because they are not accessing all the benefits they are entitled to, either because they are not aware of their entitlements or because they are encountering administrative problems such as error,

maladministration or extended delayⁱⁱ. The current Bill provides an opportunity to introduce a right to an income maximisation and welfare rights check for families with children and/or a duty on local authorities and other public bodies to ensure access to benefits advice for the families they serve.

COSLA Input

8.1. Nicola Dickie of COSLA gave a short presentation highlighting the organisation's current position in relation to the Bill. She covered:

The local duty

8.2. COSLA Leaders have consistently and across party lines welcomed the intention around the Bill. Councils have a long history of trying to reduce inequality.

8.3. Leaders do however recognise in the same way as Fairer Scotland aspirations will take more than Scottish Government that eradicating Child Poverty will take more than Councils and the NHS. All community planning partners and others represented across local areas need to play their part. That includes private sector through living wage commitments and good working conditions through to our colleges, enterprise boards and others such as Skills Development Scotland etc.

Resources

8.4 The Bill as drafted proposes resources amounting to the equivalent of 1/12 of a Managers salary across Councils and a similar resource in the NHS. Whilst COSLA recognise this is a step forward, leaders have asked how this should be resourced for the other 11 months of the year.

8.5. The resource as identified just now will lead to 32 well written plan but there could be limited scope for much else – given the financial situation local government finds itself in.

8.6 Adequate resources would allow local authorities to ensure somebody locally was stimulating, sharing best practice and championing the cause. This could be a full post in every local authority.

Targets

8.7. Turning to the targets themselves – they are well established, understood and complement each other.

8.8. How the targets should be achieved should include alignment with other plans such as local child poverty reduction plans, educational attainment work and developing Scotland's young workforce.

Measurement Framework

8.9. The measurement framework that supports the Bill needs to be relevant, measuring outcomes not inputs and demonstrably valid in the drive to tackle child poverty.

8.10. Disaggregation at a local level is vital – if we want to get Elected Members and CPPs engaged in this we need to be able to present the information on child poverty in areas they recognise – national and LA level stats will only take us so far.

8.11. Community Planning Partnerships must have their Local Outcome Improvement Plans up and running for October this year – information in these localities will be helpful to have moving forward.

NHS Health Scotland Input

9.1. Kerry McKenzie of NHS Health Scotland gave a short presentation highlighting some public health perspectives as follows:

9.2. Leadership Role

- The public sector, including NHS Health Scotland, has a shared leadership role in improving outcomes for parents and children living in poverty
- There will be a collaborative effort required across the public sector in using the levers within each other's control
- There is a clear role for **public health** in providing leadership, advocacy on fundamental causes of inequalities, advancing understanding child poverty and its impacts on population health and identifying what works to undo, prevent and mitigate child poverty

9.3. Income Targets

- NHS Health Scotland strongly supports the income based measures of poverty
- It is evidenced that income matters for child health and there are direct and indirect links with children's outcomes in childhood, especially their social and emotional development
- Income has important links with cognitive development and educational attainment for children, with long-term consequences for health inequalities as children move into adulthood.
- *'poverty is understood primarily to be a relative lack of material resources, with income widely believed to be the best proxy measure'* (Source: All Party Parliamentary Group on Health in All Policies Inquiry: Child Poverty and health - the impact of the Welfare Reform and Work Bill (2016).
http://www.fph.org.uk/uploads/APPG_on_Health_in_All_Policies_inquiry_into_child_poverty_and_health_2.pdf)

9.4. Delivery Plan and Framework

- The Theory of Causation (<http://www.healthscotland.scot/media/1086/health-inequalities-what-are-they-how-do-we-reduce-them-mar16.pdf>) that sets out the type of activity that would undo, prevent and mitigate health inequalities could be applied to the Framework (and accompanying Delivery Plan) to highlight who is best placed to take which action and at what level and what is the balance of effort required
- Wherever possible, the unit of analysis used for any indicators should be children.
- The pockets, prospects and places framing is a good, intuitive way of structuring the framework
- There is a need to give greater emphasis to those measures that will have a direct link to the income targets

9.5. Local Child Poverty Action Report

- Working through local planning structures - embedding the focus on child poverty as a core element of these and that local area partnerships are held to account for delivery
- There is a need for consideration of the geography of child poverty and the variation in effort and resources invested to date across Scotland. Some areas have more to do than others to achieve the targets and there would be merit in recognising this issue
- The review of public health intelligence could also provide opportunities to consider how local government and health boards could be supported to produce local progress reports

9.6. Role of the NHS?

- There is a need to consider what can be done across the NHS system

- How can Health and Social Care Partnerships be played into the provisions of the Bill?
- The NHS is a major employer and procurer of goods and services. There may be a need to consider recruitment policies; 'good work'; community benefit/Living Wage accreditation clauses in procurement
- Need to ensure NHS is providing services proportionate to need for children and families; addressing access barriers
- Need to be aware of the important role of universal services in financial inclusion activity

Issues raised in the course of discussion with local authorities and via feedback forms

10.1 After input from CPAG, NHS Health Scotland and COSLA, the 13 local authority representatives were divided into group of four or five to discuss their views on the Bill. Discussion was structured around the following four questions.

- **From what you have heard today, do you think the Bill will prove useful for local child poverty leads? Why / why not?**
- **How (if at all) might it the Bill be strengthened or improved?**
- **What are your views on the duty the Bill would place on local authorities and health boards?**
- **How (if at all) could the duty be made more meaningful?**

10.2 Feedback received did not neatly answer the listed questions to the points raised during the discussion have been organised below by theme rather than relating directly to the questions asked.

10.3. Key themes included the following:

Support for the Bill

11. All local leads expressed general support for the Bill and the principles that underpin it. Most felt it would be an important means of raising the profile of the issue of child poverty both at local and national level. The majority of expressions of support for the Bill were, however, qualified with concerns about whether it would make a difference in practice. Comments collected via written feedback sheets included the following:

"Yes, it will increase the visibility of child poverty work. However it lacks detail and accountability"

"I think it is a good starting block but has to include Joint Integration Boards as well as making all agencies accountable."

"Yes, very supportive, but I'm concerned the lengthy timescales mean it will be kicked into the long grass."

"The Bill is important but very light, does it have any teeth? Will it result in transformational change? How will retrospective reporting improve practice?"

"Nobody disagrees with the principal but there is a question as to whether it will be transformational."

Key concerns

12.1. Though there was widespread support for the Bill, the questions posed were designed to stimulate discussion about how the Bill might be improved. Key areas highlighted for improvement included the following:

Concern that the local duty is not meaningful and will not result in transformational change

12.2. Given the local remit of most of the participants, discussion largely centred around the nature of the local duty and its implications for local government.

12.3. The general consensus amongst participants was that the duty, as drafted, was too weak to be meaningful. Participants shared a concern that it would not result in transformational change. There was a concern that the need to report on action in the previous year would just result in local authorities summarising what they felt they were already doing, rather than providing impetus to do anything new or additional.

12.4. For example, one participant felt there was room for his local authority to do more – but that the duty as currently drafted wouldn't create any new impetus to do so. They would already be able to satisfy the duty by writing a brief report. He felt that this needed to be addressed to ensure all local authorities – including those who are currently doing very little and those doing a lot – were compelled to do more as a result of the legislation.

12.5. Suggestions put forward to address this potential problem included:

- Strengthening the duty to ensure meaningful action. This might include, for instance, placing a duty on local authorities to demonstrate change using the measurement framework indicators.

-Using regulations and statutory Guidance as a means to explain the need for additional action in each local authority area. One participant noted,

“Need robust statutory guidance that is not too prescriptive that it holds back local authorities who are already doing a lot.”

12.6. Two inter-related concerns that were repeatedly highlighted were the need to make the duty more strategic and forward looking (rather than retrospective) and the need to ensure existing local strategic frameworks (such as the development of Local Outcome Improvement Plans) embed child poverty reduction work. Many felt that in order for the local child poverty duty to be made meaningful more community planning partners would need to be both involved in the process and/or subject to a child poverty duty of some kind.

12.7. One participant noted;

“[The Bill will be] good for rising profile and keeping the Scottish Government focused but needs to link in with the duties of the Community Empowerment Act, the Local Outcome Improvement Plans and the Locality Plans (to tackle inequality). Anti-poverty poverty work is also delivered by the third sector - which is not mentioned. The partners who will deliver this are all around the table at community planning partnerships.”

12.8. There was discussion of the fact that the Scottish Government had expressed concern that Community Planning Partnerships were not legal entities and could not, therefore, be legally obliged to do anything under the Bill.

12.9. Several ways to overcome this obstacle were suggested. One option was to replicate the approach taken in the Community Justice (Scotland) Bill 2016. Section 13(1) of the Act lists ‘community justice’ partners tasked with working together to....Many of the listed community justice

partners are also community planning partners and it appears to be intended that they will discharge some of their community justice responsibilities through the community planning partnership framework. Listed partners include local authorities, health boards, the Chief Constable of Police Scotland, the Scottish Fire and Rescue Service, Skills Development Scotland, integration joint boards, the Scottish Court and Tribunal Service and Scottish Ministers. It was felt that – as well as involving more relevant local bodies in addressing child poverty, such an approach would also increase the likelihood that tools available to community planning partnerships – such as Local Outcome Improvement Plans – would be used to address child poverty.

12.10. Another suggested approach was to use the guidance under both the Child Poverty (Scotland) Bill and the Community Empowerment (Scotland) Act to encourage Community Planning Partners to include the eradication of child poverty amongst local outcomes.

“Guidance for LOIPS. If not including child poverty amongst outcomes then they need to explain why.”

“Clear links to community empowerment Act duties. This should at least be included in statutory guidance. Listing more bodies who should be involved gives teeth to community planning, so CCP organisations can be held to account in regard to child poverty.”

12.11. Another way of ensuring CPPs were involved in reducing child poverty was to include the eradication of child poverty amongst National Outcomes for 2030 (which are currently subject to review). It was felt that this would help to ensure all Community Planning Partners would address child poverty without encroaching on the ‘grass roots’ approach envisioned for the development of Local Outcome Improvement Plans (LOIPs)

12.12. One participant also suggested that the Scottish Government should analyse the collaborative approach taken in Wales to tackle child poverty and improve child wellbeing through the Wellbeing of Future Generations (Wales) Act 2015.

Concern about the lack of resources

13.1. Another concern that was repeatedly raised was the need for more resources to make the local duty meaningful. COSLA drew participants’ attention to the fact that the financial memorandum to the Bill allowed for 1/12th of a post to be funded within each local authority area.

The majority of participants felt that additional resources would be required.

“Needs to be resources. Local government are losing money and it’s getting worse, so needs to be understood within that context.”

13.2 There was discussion about what exactly additional resources would be required to meaningfully implement the Bill as it is currently drafted. Areas highlighted by participants included gathering up to date and relevant statistics to demonstrate progress, the meaningful development and implementation of new policies to address child poverty and staff time to co-ordinate efforts to address child poverty.

“Real change requires people working on it, to co-ordinate local work already underway to resource frontline work with families.”

13.3. There was extensive discussion around the need for a member of staff whose key role was coordinating local efforts to address child poverty.

“Resources to allow support for a coordinator role in each local authority who can stimulate and co-ordinate across all partnerships and take strategic ownership. Not just new ‘champions’.”

“Financial memorandum grossly underestimates work involved. 12th of an officer is fine if it’s just a tick box exercise, but what about delivering change. “

Need for Impact Assessment to be considered

14.1. Several participants highlighted the need to ensure that senior council staff and political leaders took ownership of and an interest in the duty to address child poverty on an ongoing basis. It was suggested that one means of doing this might be by requiring a “child poverty impact assessment” of all high level strategic decisions. This would clearly need to be considered in the context of the Scottish Government’s commitment to introduce a socio-economic duty as part of the Fairer Scotland initiative, but several participants felt this should not preclude the inclusion of a child specific duty in the Bill.

“Also need equality impact assessment of every policy to include child poverty.”

The role and importance of guidance

15.1. Several participants felt that the contents of regulations and statutory guidance could ‘make or break’ how effective implementation of the Bill is in practice. It was felt that statutory guidance for local authorities should be directive enough to be practically useful, but not so specific as to be irrelevant for some local authorities and overly ambitious for others.

15.2. Another important point raised was that, as drafted, the Bill does not legislate for the introduction of statutory guidance.

“Need practical guidance that can be used locally.”

“Some of the information about what is expected can be put in guidance – but then it can be interpreted in 32 different ways.”

“Reduce silo working. High quality, directive guidance for CPPs might help to do this.”

The measurement framework

16.1. There appeared to be widespread support for the idea of including the existence of a measurement framework in the Child Poverty (Scotland) Bill. Many felt that such a framework would be helpful in allowing them to measure progress locally and to collect the right kind of information to inform this process.

“[We need] good, robust, updated local data. Software to support reporting.”

16.2. There was, however, little support for the current measurement framework. Local authority representatives felt that the indicators were often irrelevant and of limited use because the information was not available at local level. It was felt that any new measurement framework would have to relate more directly to the income targets and be developed in partnership with community planning partners.

“Current measurement framework has eroded credibility.”

“I have no sense that anything is going to be improved or addressed through the measurement framework.”

“Performance framework needs to be improved and information should be capable of being disaggregated to ward level.”

Information and Advice

17.1. Most participants appeared to agree that the Bill could be used as a means of improving access to information and advice as a way to maximise family incomes and reduce child poverty.

“There should be a duty to provide advice and income maximisation (meeting national standards). There should be a requirement for key organisations to embed advice and income maximisation referrals.”

“Need to look at statutory services - need to make welfare rights / income max statutory.”

“Income maximisation and the right to access it will also be important. Key points are that it should meet Scottish national standards, accessibility, a duty to refer, training within the CPP to make sure everyone is aware of it. Perhaps this might require amendment of the Social Work Act of Children Act.”

17.2. There was a discussion of how such a duty might be framed. One table felt that there should be a duty on local authorities to provide welfare rights and income maximisation advice (meeting minimum national quality standards) and that this should be accompanied by a right for all families to be offered a referral to such a service at key transition points, such as pregnancy, birth, starting nursery and starting school.

[https://pure.york.ac.uk/portal/files/47994120/Impact of CB CTC top ups on child poverty rates BAHC a djustedfinal_JDamend_.pdf](https://pure.york.ac.uk/portal/files/47994120/Impact_of_CB_CTC_top_ups_on_child_poverty_rates_BAHC_a_djustedfinal_JDamend_.pdf)

ⁱⁱ According to HMRC, for example, only 87% of child tax credits and 68% of working tax credits were claimed in 2014/15 <https://www.gov.uk/government/statistics/child-and-working-tax-credits-statistics-finalised-annual-awards-2013-to-2014>