Equality and Human Rights Commission Consultation Response to a Child Poverty Bill for Scotland

Creating a fairer Britain
Equality and Human Rights Commission
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Contact details:

Chris Oswald
Equality and Human Rights Commission
2nd Floor 151 West George Street
Glasgow
G2 2JJ

0141 228 5964

Chris.oswald@equalityhumanrights.com
The Equality and Human Rights Commission is the National Equality Body (NEB) for Scotland, England and Wales. We work to eliminate discrimination and promote equality across the nine protected grounds set out in the Equality Act 2010: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

We are an “A Status” National Human Rights Institution (NHRI) and share our mandate to promote and protect human rights in Scotland with the Scottish Human Rights Commission (SHRC).

The Equality & Human Rights Commission welcomes the opportunity to respond to the Scottish Government’s Consultation on a Child Poverty Bill for Scotland.

The Commission is broadly supportive of the proposals set out in the consultation but has some contextual concerns which we feel need to be addressed within the broad vision set out in the paper. We are therefore responding in this format rather than using the respondent form as this allows us the space to raise issues of concern. Whilst we have answered the questions set out in the consultation, to maintain a narrative we have answered the questions in a different order to how they appear in the paper.

Question 10: Do you have any suggestions for how the measurement framework could usefully be improved? For example, are there any influencing factors that are not covered by the measurement framework? Or are there any additional indicators that could be added?

Whilst the Commission is broadly supportive of the measurement approach proposed by the Scottish Government, we are concerned that the measures are too broad to enable a proper analysis of the impact of poverty on children and families with, or who share protected characteristics.¹

As the EHRC’s recent publication “Is Scotland Fairer”² shows, the life chances of people in Scotland are significantly influenced by the protected characteristics that they do or do not share. Overall, disabled people and ethnic minorities experience poverty at a higher rate than

¹ Age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex, and; sexual orientation.
non-disabled white Scots. Women experience significant pay gaps in the labour market, and ethnic minorities and disabled people both experience significantly higher unemployment and underemployment. Both ethnic minorities and disabled people are known to experience barriers to accessible or appropriate housing. EHRC research suggests that over 5,000 women a year in Scotland are pushed out of work due to pregnancy and maternity discrimination.\(^3\)

These differences are important partly because they indicate that poverty is not an even experience and not one which is solely an issue for geographical “deprived” communities. For example, we know from official data that poverty amongst all ethnic minority groups is twice as high as for white Scots. However we also know that the spatial distribution of poverty in ethnic minority communities differs from that of white Scots in that it is not as concentrated in areas of deprivation. This suggests that when measuring and tackling poverty, place based measurements may be too crude to accurately reflect such different experiences.

Similarly, we know that the causal drivers of poverty – unemployment, underemployment, low skills, low wages, occupational segregation, pay inequality, higher housing costs – are also experienced differently by people with, or who share protected characteristics. In short, if the reasons for different people’s poverty differ, the routes out of poverty may also differ.

For example, for women, and for families, pay inequality and segregation into the lower paid parts of the economy may be a more important factor than unemployment. For disabled people the inaccessibility of the public transport system, of cityscapes and work places may be as critical a factor as worklessness. For ethnic minorities, racial discrimination and segregation in the labour market may also be critical factors not shared with the most deprived white Scots.

For the Child Poverty strategy to work effectively, and to deliver for all Scots, it needs to contain sufficient nuance to ensure that measurements reflect and do not hide these realities. In the measurements set out on page 15 of the paper there are many which have the potential to do so – for example, a rise in the employment rate of parents may not reflect positive or negative changes in employment rates for ethnic minorities and disabled people; improvements in the average income spent on housing may not reflect the additional costs  

that will continue to be experienced by disabled people; improvements in access to modern apprenticeships may not reflect very low uptake of training for ethnic minorities. Put simply, success for the majority may mask stasis or deterioration in living conditions for the few.

The EHRC strongly recommends that the current Child Poverty Framework is equality impact assessed to ensure that these nuances in experience are fully captured and that additional measures are introduced which ensure that “successes” do not occlude “failures” in public policy. We would also encourage the Government to always adopt an analysis of poverty which is broader than that of simply place.

Government strategy also needs to recognise that “equality communities” are not homogenous. Whilst ethnic minorities all tend to experience poverty at a higher rate than white Scots, their experience of employment and under employment differs. Similarly people living with mental health conditions or sensory impairments may have significantly higher levels of unemployment, and these may also be exacerbated by age, sex and ethnicity. The tools that we use to measure poverty therefore need to reflect the complexity of the experience of poverty.

Whilst we support the thrust of the places, pockets and prospects analogy we note that for some communities the starting point is not even – their pockets are emptier, the places they live differ, and their prospects are distorted by discrimination not faced by other Scots. Finally, we note that as children comprise a larger part of ethnic minority communities any policy which impacts on them has a high degree of relevance to equality.

Question 1: Do you agree with the Scottish Government including in statute an ambition to eradicate child poverty?

Yes, we feel this is a useful addition to policy reflecting the impact of poverty on Scottish communities, families and children.

Question 2: What are your views on making income targets statutory?

We agree that reintroducing the statutory framework which has been removed from the UK Government’s Child Poverty Act 2010 is helpful. EHRC has raised concerns about the repeal of the income-poverty
related targets in relation to the reduction of child poverty through changes made by the Welfare Reform and Work Act 2016. This concern has also been raised by the UN Committee on the Rights of the Child, which called on the State party to establish “clear accountability mechanisms for the eradication of child poverty, including by re-establishing concrete targets within a set timeframe and measurable indicators”.5

Reintroducing these targets in Scotland would ensure that the Scottish Parliament and Government comply with a clear recommendation of the body responsible for interpreting the human rights obligations of the UK and devolved Governments under the Convention.

Question 3: How do you think the role of the Ministerial Advisory Group on Child Poverty can be developed to ensure that they play a key role in developing the legislation?

The Ministerial Advisory Group has a key role in setting and monitoring policy. It is also an appropriate forum for an equality analysis of the policy to be tested, monitored and reviewed. The Ministerial Advisory Group also enables child poverty policy to be viewed in the broader context of other Government policy such as the Race Framework, The Scottish Government's Draft Delivery Plan (2016-2020) for the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), and to measure progress against the concluding observations of international treaties to which Scotland is a signatory by virtue of the UK.

Question 4: How can links between the national strategy and local implementation be improved? What could local partners do to contribute to meeting these national goals? This might include reporting and sharing best practice or developing new strategic approaches.

As with our answer to Question 10 a comprehensive equality impact assessment could assist in identifying areas where local partners’ contribution to the national goals and their relationship to equality could be explored. Any guidance issued, and any monitoring required of local


5 UN CRC, Concluding Observations, para 70(a) and (b). Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGBR%2fCO%2f5&Lang=en
partners needs to stress the equality aspects of the policy and the need for inclusive data to be sought to demonstrate that the policy is having its intended effect of benefitting all children living in poverty, not just those living in the most deprived areas. Local solutions also need to be informed by an analysis of the differing causes, and routes out, of poverty.

**Question 5: What are your views on the income based measures of poverty proposed for Scottish child poverty targets?**

We support the proposal to combine the 4 measurements of poverty as set out in the paper subject to the equality analysis of poverty detailed above being integrated into the framework.

**Question 6: What are your views on the Scottish Government’s proposals for the levels of child poverty that the targets will be set at?**

We support the proposal to lower the target level for persistent poverty. As is acknowledged in the consultation paper, living in persistent poverty is particularly damaging to children’s well-being and we feel that lowering the target level to 5% displays a greater ambition and commitment to eradicating child poverty. It will, however, be important to analyse data appropriately to ensure that poverty reduction is being achieved for children with protected characteristics.

**Question 7: What are your views on the Scottish Government’s proposal to set targets on an after housing costs basis? For example, are there any disadvantages to this approach that we have not already considered?**

We feel it is important to use the after housing costs measure as this will more accurately reflect the total monies available to families who may have higher heating costs (disabled people) or require larger, and therefore more expensive, accommodation (some ethnic minority groups).
Question 8: What are your views on the Scottish Government’s proposal to set targets that are expected to be achieved by 2030?

Whilst we feel this to be realistic we would encourage the Government to strive to achieve this target in advance of 2030.

Question 9: What are your views on the proposal that Scottish Ministers will be required by the Bill to produce a Child Poverty Delivery Plan every five years, and to report on this Plan annually?

We support this plan and would encourage the Scottish Government to use the review element of it to fully reflect on the equality impacts of the polices being pursued and be prepared to adjust them should they show any widening of the gap between Scotland’s most deprived communities and any of the protected characteristic groups.