

Scottish Parliament Social Justice and Social Security Committee

Post Legislative Scrutiny of the Child Poverty (Scotland) Act 2017

Written submission by Educational Institute of Scotland,
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Introduction

The Educational Institute of Scotland (EIS), the country's largest teaching union, representing almost 65,000 members across all sectors of Education and at all career levels, welcomes the opportunity to respond to the Social Justice and Social Security Committee's call for views on the Post Legislative Scrutiny of the Child Poverty (Scotland) Act 2017 (the 2017 Act).

The 2017 Act is an important component in the legal landscape to tackle poverty and in providing a mechanism through which the Scottish Government can be held to account for its legal obligations and the statutory targets set to reduce child poverty by 2030. In reviewing the extent to which the 2017 Act has been successful in achieving its aims, due regard must also be had to the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024. This Act, which incorporates the UNCRC into Scots law, provides children legal power to uphold the UNCRC. Article 27 of the UNCRC states that every child has '*the right to a standard of living that allows them to develop physically, mentally, spiritually, and socially*'. In assessing the impact of the 2017 Act, therefore, due regard must be given to the extent to which its implementation has influenced practice and supported the fulfilment *for every child* of this and other key rights under the UNCRC.

The EIS has been clear that the 2017 Act *alone* will not deliver significant reductions in the levels of child poverty. The success of the endeavour is, and always has been, reliant upon a sustainable plan of delivery which recognises fully the causes, the scope and the extent of, and the multi-faceted impacts of child poverty in Scotland; and which is underpinned by the channelling of sufficient additional resources by Scottish Government and local partners towards the aims of the legislation. Child poverty is not inevitable. It is directly linked to parental income as determined by conditions of employment and levels of social security benefits, and to outgoings as determined by living costs, including housing and energy costs. Government has the means to influence all such factors which are determinants of poverty. Without a resourcing strategy and fiscal policy that redistributes wealth and provides greater investment in Education and allied support services, the legislative intent of the 2017 Act will not be realised and child poverty will not be eradicated in Scotland – despite the stated intent of the Scottish Government.

The Baseline

When the 2017 Act came into force, the EIS published its Child Poverty Survey 2016. At that time, almost 60% of those who had engaged with the survey indicated that they had seen an increase in the number of children attending school who were experiencing poverty. In relation to food, nutrition and hunger, more than 50% of respondents reported an increase in children coming to school without snacks or

money for the tuck shop. The results of the survey showed that equipment and resources were regarded as a challenge for families struggling on low income, with 72% of respondents reporting an increase in the number of children coming to school without stationery, school bags and PE kits. Increased signs of poverty-related mental ill health had been reported, with more than three quarters of those taking part in the survey perceiving that poverty was impacting negatively on children's and young people's mental health.

It was in this context – with poverty wreaking a devastating impact on children and families and on schools' ability to deliver quality education for all - that the EIS supported the Bill becoming law. It was hoped that such a step would focus minds on child poverty, and, critically, would lead to interventions, *backed by resources*, which would be evaluated on an ongoing basis to measure impact, and to provide meaningful accountability.

A Focus on Child Poverty

There can be little doubt that since coming into force, the legislation has afforded child poverty a greater prominence in discourse and policy-making. Scotland's schools and teachers, for example, have been assigned the national priority of closing the poverty-related achievement and attainment gap, supported in part by additionality funding through the Pupil Equity Fund (PEF), the Scottish Attainment Challenge (SAC) and latterly, the Attainment Strategic Fund (ASF). Further, since the legal duties stemming from the 2017 Act came into effect, the reporting on child poverty has become more mainstream and created a richer evidence-base at local and national level.

Most recently, the First Minister in the Programme for Government declared the top priority to be the eradication of child poverty and cited the Scottish Child Payment as evidence of the Government's commitment to this ambition. Whilst the EIS welcomes this ambition and acknowledges the material difference that the child payment may make to the household income for eligible families, we would point out that this took place in a context of significant in-year cuts to funding and services – including Education - which ultimately risk counteracting the well-being and education of a greater number of children, including those in poverty. Indeed, the publication of the [Scottish Health Equity Research Unit's 2024 Report – Inequality Landscape](#) this week highlights that there is no evidence of the Scottish Child Payment making an impact on official child poverty statistics. It then goes on to state:

'Even if the Scottish Child Payment was showing up in the data as expected, Scotland would still be a long way from meeting its statutory target of reducing relative child poverty to 10% by 2030/31.'

It is clear that any effort to tackle child poverty must recognise the interplay and dependency of a wide gamut of services – with Education at the core – and be assessed in the wider context of the systemic underfunding of public services.

Assessing Impact

The fact is, that whilst the focus on and reporting of child poverty may have become more consistent and transparent since enactment, and whilst political discourse – and to some extent, policy – has accorded child poverty increased prominence, the

material circumstances for those living in poverty has not improved – and in many respects has worsened.

Over one million people in Scotland are living in poverty today – more than a quarter of whom are children. The number of children living in absolute poverty has risen by its highest rate in 30 years across the whole UK. In Scotland, the Scottish Government's own recent child poverty data shows the numbers of children living in poverty has gone up by 20,000 in the last year with 260,000 children - the equivalent of over 11,000 Scottish primary school classes – trapped in relative poverty in Scotland between 2022-23.

The findings of the [Scottish Health Equity Research Unit's 2024 Report – Inequality Landscape](#) echo these statistics and make challenging reading:

- More people in Scotland are in relative poverty now than they were in the pre-pandemic period. 24% of children and 39% of households headed by an adult under 25 are in relative poverty compared to a population average of 21%.
- Food insecurity, homelessness, and fuel poverty are all higher than they were pre-pandemic. People experiencing homelessness are more likely to cite unsafe situations and mental health conditions in their applications, and the number of deaths among people experiencing homelessness has increased.
- Gaps in education between students in deprived and non-deprived areas remain high.
- Gaps in early health outcomes for children born in deprived areas compared to non-deprived areas, such as low birthweight and developmental concerns, are wider than they were pre-pandemic.

The OECD Education at a Glance report, also published this week, highlighted deeply concerning inequalities which are prevalent throughout the education systems of OECD countries, including Scotland. The report is clear that these inequalities start at the earliest stage of education, in Early Years. Early intervention to provide the support which our youngest children so urgently require has never been so important. And yet, despite this, we have seen significant cuts to teacher numbers in our Early Years settings over the past decade, as well as underfunding of key allied professions, such as Educational Psychologists and Speech and Language Therapists, with serious and damaging consequences for our youngest learners, particularly those living in poverty. GTCS registered teachers play a pivotal role in the identification of additional support needs for these learners and in the co-ordination of specialised early intervention approaches. Without this, the necessary support for children and families living in poverty may be missed.

The findings of both these reports highlight that despite well-meaning policy ambitions and political rhetoric, positive outcomes for those living in poverty will not be achieved without the associated investment of sufficient resources to translate policy into practice.

SAC, PEF and ASF

The EIS does not believe that SAC alone, even now that all local authorities are in receipt of it, is the best means by which to support schools to reduce the poverty-related attainment gap.

If the Scottish Government is serious about closing the poverty-related achievement and attainment gap (aside from tackling the root causes of poverty at source), Education requires significantly more core national investment. The types of intervention that schools have been making on a piecemeal basis using PEF funding over the past decade, which have in large part sought to restore provision that used to be in place but which has been cut, require to be mainstreamed and permanently factored into core funding arrangements.

Even with the shift to multi-year funding arrangements which gives a degree more security than the original annual awards of PEF, ASF is not the means through which essential staffing and interventions in the interests of equity should be funded.

Given the long-term negative impacts of poverty, coupled now with the disproportionate impacts of the pandemic on the most disadvantaged families and communities, the funding for Education, including staffing, and the associated workforce planning, ought to be for the very long-term. The Scottish Government's child poverty targets are for 2030, yet ASF funding is for the life of this parliament only.

Furthermore, the EIS is deeply concerned about the cuts to ASF that several of the original 'challenge' authorities have, and continue to, experience. Clackmannanshire is seeing its SAC funding cut by 62%, Dundee by 74%, East Ayrshire by 61%, Inverclyde by 78% and West Dunbartonshire by 51%, over a four-year period. Even for Glasgow where in some parts of the city, more than 1 in 2 children are living in poverty, SAC funding is being cut by almost 10% in the same period. And all this, despite rising levels of poverty as a result of the pandemic and the cost-of-living crisis which is further intensifying socio-economic disadvantage and resultant educational disadvantage.

As highlighted by the Institute in 2022, these cuts are now impacting on staffing resource, as is evident in the deep cuts to teacher numbers in Glasgow. Reduced staffing resource in turn impacts on the capacity to support stronger health and wellbeing outcomes, to strengthen achievement and attainment outcomes, and to help achieve appropriate and sustained positive destinations for young people, including care experienced young people, who are already disadvantaged in all of these areas.

If the government is committed to eradicating child poverty, then this requires sustained long-term investment in core funding of Education and other public services – not temporary funding which provides short-term relief to combat the impact of other cuts.

A Focus on Resourcing of Core Funding

The EIS would, therefore, assert that, notwithstanding the deployment of SAC, PEF and ASF in Education, the legislation has singularly failed to “focus minds *and* resources” on mitigating the impacts of child poverty in schools more broadly. The links

between child poverty and educational outcomes are well-established, and EIS members have first-hand experience of children coming to school hungry and not ready to learn as a result of the multifarious challenges of living in a household stricken by poverty.

Children living in poverty may require additional support for learning. But increasingly, children affected by poverty are expected to be taught in classes of up to 33 children, by a teacher who often will have no specialist support. The EIS has long campaigned for a maximum class size of 20, for more preparation time for teachers and for more trained specialist staff to support children with Additional Support Needs (ASN), precisely because it will improve outcomes for all children but particularly those who are most disadvantaged. The intersection between additional support needs and child poverty is well-established and indeed poverty itself can give cause for additional support.

The disproportionate impact which the pandemic and periods of lockdown had, and continues to have, on those living in poverty cannot be ignored in this context. That people living in deprived areas were almost 60% more likely to die from COVID-19 than the rest of the population (and two and a half times more likely to die than those in the most affluent areas) means that children and young people living in deprived areas were almost 60% more likely to have been bereaved than the rest of the school population, impacting directly on their mental health and the support required in Education.

Yet resourcing to support ASN in Scotland fails to keep up with demand, with 37% of children and young people in mainstream schools having an identified additional support need. Often it is children and young people suffering the impacts of poverty who most require specialist support services such as Educational Psychology, mental health support and Speech and Language Therapy. Yet, as highlighted above, such vital services have been decimated by cuts, reducing these services to consultancy models, with teachers being relied on to implement strategies outwith their sphere of professionalism.

Worryingly, the SQA reported that the poverty-related attainment gap at all levels of the Senior Phase in 2024 has actually widened compared to 2019. The reasons for this require detailed exploration, but it is worth acknowledging that this cohort of young people have lived their educational lives entirely under austerity, and during the Covid pandemic, experienced disruption to their primary-secondary transitions, with those living in poverty much more likely to become disengaged from learning due to digital poverty and pressured familial circumstances. Far from eradicating child poverty, the failure to adequately fund Education – to the point where one local authority with the highest concentrations of poverty in Scotland (Glasgow), plans to cut 450 teaching jobs – risks plunging another generation into a downward spiral of limited life-chances and poverty-related despair.

During the COVID-19 pandemic, EIS members raised the alarm regarding the impact of school closures on children and young people who experienced food insecurity and were reliant on free school meals. In September 2022, the Herald newspaper reported thousands of children in Scotland were being treated for malnutrition, and in 2023, the same newspaper found a growing prevalence in rickets – which is caused by Vitamin D deficiency. In light of this, the recent announcement by First Minister John Swinney

to delay the rollout of free school meals to P6 and P7 pupils is emblematic of how spending cuts will undermine the efforts to eradicate child poverty. The EIS continues to be concerned that the commitment to extend free school meals to secondary pupils will not be implemented in this parliamentary term, and they will continue to go hungry, placing further financial pressure on hard-pressed families.

The EIS is clear that the legislation cannot possibly attain its ambition in a political and economic context of austerity. The combination of the 2007 financial crash, the ensuing recession, more than a decade of austerity-driven policies, stagnant wages and persistent low pay, precarious and insecure work, the chronic underfunding of public services, and an insufficient social security system; coupled with exorbitant housing, food, childcare, transport and fuel costs, and the recent cost of living crisis brought about by corporate greed, soaring high inflation, and depressed wage growth - have significantly contributed to the rise of child poverty over the last decade, resulting in the unacceptably bleak reality that 1 in 4 of Scotland's children remain in relative poverty in 2024.

In 2019, Professor Philip Alston, the then UN Special Rapporteur criticised the UK for the disproportionate impact of austerity on children, recommending to the UK Government that they reviewed policies introduced since the 2010 financial crises with regards to the impact these had on the enjoyment of economic, social and cultural rights by disadvantaged and marginalised individuals and groups, in particular women, children and people with disabilities. Furthermore, the Rapporteur recommended that steps be taken *to guarantee* targeted support for all those living in poverty or at risk of poverty, in particular people with disabilities, persons belonging to ethnic, religious or other minorities, single-parent families and families with children.

In the context of politicians continuing to place the burden of austerity onto those living in poverty – most recently evidenced in the UK Government's refusal to remove the punitive two-child benefit cap - the realisation of the aims of the 2017 Act and associated targets is entirely reliant on resourcing.

Stand Up for Quality Education: EIS Manifesto - General Election 2024

In June 2024, the EIS launched its [Manifesto](#) in advance of the UK General Election, calling, *inter alia*, for a number of improvements that would mitigate the impact of poverty.

These included:

- Universal provision of free school meals (including provision over holiday periods) for all nursery and school-aged children
- Guaranteed access to appropriate digital hardware, broadband and data for all pupils on an equitable basis, to help tackle digital poverty
- Progress on and resourcing of, the commitment to free instrumental tuition for all pupils who wish it
- An end to Instrumental Music Teacher staffing cuts and waiting lists for children and young people

- Proper resourcing of free out of school activities and free wraparound childcare to mitigate the worst impacts of poverty and associated stigma on young people's wellbeing, achievement and attainment

Furthermore, the EIS manifesto calls for reducing class sizes to 20 pupils per class, increased staffing, reversal of cuts to EAL provision, increased professional learning and staffing adopting Trauma Informed Practice, ringfenced funding to support the presumption of mainstreaming and additional funding for ASN.

Proper funding of public services should be supported by progressive taxation policies to generate increased public funding, and greater use of Scotland's devolved powers to raise funds for public services.

Poverty is one of the most significant human rights issues facing children and young people in Scotland. The existence of child poverty is a deep violation of children's rights. It is the EIS's view that the continued existence of, and unacceptability high levels of child poverty in Scotland, undermines the UN Convention on the Rights of the Child (UNCRC), which is now enshrined in Scots law.

Poverty is a political choice. It is not inevitable.