

## Social Justice and Social Security Committee

### Post Legislative Scrutiny of the Child Poverty (Scotland) Act 2017 – Call for Views

#### Introduction

The Social Justice and Social Security Committee launched its [call for views](#) on post legislative scrutiny of the Child Poverty (Scotland) Act 2017 on 10 July 2024. It closed on 13 September.

Respondents were asked for their views on the Act. In particular, the questions aimed to understand:

- how policies might have been different without the Act
- whether there would have been less focus on child poverty without the Act
- whether the Act has served to ‘focus minds and resources’

The intention of this paper is not to be exhaustive, rather it is to provide an overview of the main issues raised in the submissions. The [submissions are published online](#).

#### Responses

The Committee received 35 submissions to the call for views, and 8 additional written submissions. The respondents included 12 local authorities, 13 organisations from the third sector, and 4 health boards.

#### Scottish Government Approach

The first question asked respondents for their views on whether the framework in the Act has made a difference to the way the Scottish Government has approached reducing child poverty. The majority of views expressed the opinion that the Act has made a difference to the Scottish Government approach, especially in regard to accountability, and visibility of the issue. North Ayrshire Council, for example, stated that:

“The statutory framework introduced as part of the Child Poverty (Scotland) Act 2017 has enabled a whole system awareness of the Scottish Government’s commitment to eradicate child poverty. The framework itself,

which places enhanced accountability on local authorities and health boards to plan and report on action to tackle child poverty, has ensured this is recognised as a priority at a local level.”

West Lothian Council provided a similar view, suggesting that it:

“has led to a more strategic and coordinated approach, ensuring that efforts to reduce child poverty are sustained and systematically evaluated... This holistic approach ensures that policies are designed to tackle the root causes of poverty, rather than just alleviating its symptoms.”

For some of the respondents, including Save the Children, the statutory framework has:

“made a transformative difference to the way that Scotland approaches tackling child poverty...What this has meant in practice is concrete steps have been developed to keep child poverty at the top of the political agenda - across parliamentary terms and irrespective of changing First Ministers.”

For other organisations that submitted to the call for views, the impact of the framework on the Scottish Government’s approach has not been strong enough. CPAG in Scotland expressed the concern that while progress has been made:

“the policy package set out in the current child poverty delivery plan falls far short, even if it were fully funded (which it isn’t), of what is needed to meet the statutory targets set out in the Act. The Act has helped encourage real progress, but the Scottish government has yet to match the ambitions encapsulated in the legislation with a policy package fit for the task of meeting it’s requirements. Furthermore, the Scottish Parliament has yet to adequately hold government to account on the gap between statutory obligations and actual policy, investment and action.”

Families Outside expressed a similar concern, noting that:

“whilst there is little doubt that the statutory framework has made a difference to the Scottish Government’s approach to tackling child poverty by ensuring continued commitments to the issue, the action and, crucially, the investment that has followed such commitments, including the Scottish Child Payment, has not been at the pace and level necessary to really shift the dial on levels of child poverty, which remain stubbornly high.”

There were also organisations who shared the opinion that the Act has not made a difference to the Scottish Government’s approach. NHS Orkney suggested that:

“The national and local focus has been on this agenda for many years so it would be difficult to suggest that Government priorities would have been wholly different without the legislation.”

NASUWT expressed the view that:

“While it can be said that the framework has effectively supported government rhetoric, neither the statutory provisions nor the political bluster have resulted in significant change.”

A lack of positive change following the passage of the legislation was also the focus of the submission from Fraser of Allander Institute - University of Strathclyde. The organisation told the Committee that:

“the focus on measured poverty rates creates incentives to address only these rates, potentially to the detriment of initiatives that might improve the lives of low-income households even if they do not directly lift them out of poverty. Furthermore, the relatively short-term scope of the legislation and the emphasis on interim and final targets means that longer-term actions to address the root causes of poverty are not incentivised. This may under-emphasise areas like housing and education where the effects are likely to take longer to show up.”

There was also a concern raised by some of the submissions that the approach taken by the Scottish Government has resulted in unintended consequences. Falkirk Council stated:

“it can appear that there is a lack of joined-up thinking when it comes to understanding and analysing the impact of other decisions on those experiencing poverty. For example, the recent Council Tax freeze, on the face of it, helps all households by preventing an increase in their living costs. However, this negatively impacted funding available to councils to provide key frontline services, which are often relied on by those on the lowest incomes and are most vulnerable to the worst impacts of poverty and inequality.”

## **Local authorities and health boards**

The call for views next asked respondents for their views on how the statutory framework has made a difference to the way local authorities and health boards have approached reducing child poverty. The responses were very similar to the answers above on the approach of the Scottish Government. Many of the organisations felt that the statutory framework has made a positive difference with NHS24 suggesting that:

“the framework has developed positive working relationships between local authorities and health boards to work constructively together to determine how best they can reduce child poverty with the resources they have. It has seen the development of Child Poverty action groups, bringing together key stakeholders and decision makers with influence together to develop holistic approaches to tackling child poverty at a local level.”

Save the Children agreed with this viewpoint, stating that:

“By placing a duty on local authorities and health boards to produce annual joint child poverty action reports, the Act has incentivised collaborative planning to reduce child poverty; and it has also fostered shared learning across local authorities, with a national coordinator providing support hosted

by the Improvement Service. This represents a marked improvement on how local authorities were approaching child poverty before the Act.”

Many of the local authorities and health boards used their submissions to provide examples of the collaborative work that is ongoing locally. North Ayrshire Council explained that:

“The statutory framework has resulted in closer partnership working between North Ayrshire Council and NHS Ayrshire and Arran. The requirement to articulate plans and report impact has ensured there is a shared understanding of approaches adopted by each organisation. This has informed local activity that will soon commence to progress further alignment of initiatives to maximise support for residents, who would benefit from support from both organisations.”

NHS Orkney also suggested that “It has helped with the development of local focus and collaborative working,” providing as an example the Cost of Living Task Force established by its Community Planning Partnership. In NHS Lanarkshire the framework:

“allows discussion around senior tables, senior management buy-in and governance support. Ultimately, having tackling poverty as a statutory requirement keeps it on the agenda, making it more likely to get cross department and cross organisation collaboration.”

NHS Lothian commented that “the process of jointly preparing and publishing the report was felt to foster a parity of roles and responsibilities between local authority and NHS colleagues.”

Some of the responses highlighted concerns regarding how effectively the collaboration between local authorities and health boards is working in practice. The Joseph Rowntree Foundation told the Committee that:

“In practice there has been little evidence of a significant shift in priority or budgets to date that have resulted in a reduction of child poverty. The support that Health Boards and Local Authorities receive tends to revolve more around the production of plans, rather than capacity to more assertively reduce poverty.”

Falkirk Council was concerned that:

“The narrow focus on addressing child poverty, as opposed to addressing poverty in general, can sometimes be restrictive. It is important to address poverty holistically across all groups, as this approach will have the greatest impact and will lead to greater efficiency.”

The reporting burdens of the Act, especially where they interact with other legislation, were raised by a few respondents. Aberdeen City Council stated that:

“the Act has also introduced additional reporting burdens, which conflict with other statutory reporting requirements. This highlights the need for better alignment at national level on related legislation, policies and strategies to

streamline efforts and reduce the reporting burden on local authorities and health boards.”

Social Work Scotland and Scottish Association of Social Workers brought up a similar issue in their submission, noting:

“Local authorities already have statutory duties in relation to the wellbeing of children and other vulnerable groups, many of which bring with them reporting duties e.g. corporate parenting plans, children’s rights plans, reporting in relation to delayed discharge, mental health and wellbeing and educational attainment. The inclusion of reporting on poverty adds to the complexity, overlap and confusion... creating a more complex landscape for leaders and removing vital resource away from front line efforts to tackle poverty.”

The consistency of local authority reporting was also a theme in the responses. For example, CRER (Coalition for Racial Equality and Rights) said that:

“Local authorities do not report in a consistent manner or with a standardised format. This makes comparison across local authorities difficult. While the Act demands a requirement for local authorities to describe measures taken in relation to priority groups, there is no accountability to ensure that local authorities take any action.”

In other submissions, financial limitations were raised as a constraint on the work of local authorities and health boards. Scottish Borders Council highlighted in their submission that:

“we would note that local authorities operate in a constrained fiscal environment, characterised by long-term spending shortfalls and significant areas of our spending being directed by statute or national policy. This limited room for manoeuvre impacts our ability to effectively tackle child poverty, limiting the efficiency of the framework.”

COSLA also raised this issue, saying that:

“Local authority budgets have been under continued pressure for at least the last decade. Pressure on core council budgets as well as increased ringfencing and directed funding has an impact on the local services, activities and interventions that can be delivered to tackle child poverty.”

## **National impact of targets and reporting**

The respondents to the call for views were next asked what difference having the targets, delivery plans and reporting requirements built into the Act has made at a national level. For some of the respondents, the requirements built into the Act have had a positive effect. NHS Lanarkshire told the Committee that:

“At a national level, having these targets, plans and requirements built into the Act is beneficial for keeping plans on track and keeping a clear vision on timelines and progression. Providing a structured framework enhances

accountability, fosters collaboration, and creates a more effective national strategy for tackling child poverty.”

West Lothian Council expressed a similar view in its submission, stating that:

“By making the targets legally binding, it ensures increased accountability for the Scottish Government and encourages them to take decisive and sustained actions to tackle child poverty... The requirement for regular child poverty delivery plans every four years ensures a structured and strategic approach.”

Other responses focussed on the perceived impact of the targets and the plans on individuals, with CPAG in Scotland suggesting that:

“The nature of the targets and focus of the delivery plans (informed by the Act’s provisions) have helped ensure the focus of policy has been on the structural drivers of child poverty and on preventing poverty, not just on alleviating its impact... families already tell us of the difference that policies implemented in line with the Act’s provisions have had.”

In other submissions the response to the question was more mixed. The Poverty and Inequality Commission expressed the view that the reporting requirements alone are not enough to drive change. They said:

“The Delivery Plan and reporting requirements introduced by the Act have resulted in a more comprehensive and useful set of outputs than the Commission believes would otherwise have been the case, though... there remains room for improvement. Most importantly, the targets, plans and reporting in themselves are not sufficient to drive change alone, and also require effective scrutiny by Parliament and civil society.”

The view that the targets alone are not enough to drive change was also expressed by North Lanarkshire Council – Tackling Poverty Officers Action Group who suggested that:

“The impact of the Act would be greater felt... if it was reflected in other policies and legislation e.g. Procurement- ensuring all local authorities/health boards/ third sectors pay the living wage/real living wage.”

Barnardo's Scotland noted in its response that while the measures in the Act have provided focus to the work of the Scottish Government, the targets are not being met, and that additional action is required. The stated that:

“in 2024, eight years on from the introduction of this legislation, the Scottish Government’s own research indicated that it is likely to have missed interim targets in 2023-24, with 19% of children still living in poverty. For the true value of child poverty targets to be realised, all interim and final targets must be met. Failure to do so is a strong reminder that further and faster progress is needed in this area, through cross-departmental and cross-sector buy in to eradicate child poverty – something that will not happen without defined action.”

Additional action by the Scottish Government was also a call picked up by other respondents. Save the Children suggested:

“Despite significant progress as a result of the Act, it hasn’t led to fundamental reallocation of budgets, to ensure that child poverty is prioritised in spending as well as in rhetoric. The latest Poverty & Inequality Commission scrutiny recommends urgently reprioritising funding to ensure necessary resources to meet the targets.”

One final topic raised in this part of the call for views was the perceived disconnect between national targets and reporting, and what is happening in the daily lives of citizens. For example, Includem stated:

“In a sense, targets have been useful in creating measurements for potentially holding the Scottish Government to account, but a lack of progress according to targets is in no way comforting, reassuring or encouraging for children, young people and families living in poverty. For them, the people who really matter, having targets built into the Act has made no difference to their day-to-day lives.”

The Scottish Women's Convention made a similar point, noting:

“Across Scotland, child poverty rates have experienced little change since the introduction of the Child Poverty (Scotland) (Act) in 2017. As stated by the Scottish Government, relative, absolute, and persistent poverty amongst children has remained “broadly stable”, despite rapid reduction in the late 1990s and early 00s. Therefore, the impact of the Child Poverty (Scotland) (Act) 2017, must be brought into question.”

## **Scrutiny**

The call for views then brought up the scrutiny measures built into the Act, asking respondents how effective these have been. For some of the organisations, the scrutiny measures are working well. Families Outside stated:

“The measures have undoubtedly been effective in terms of helping ensure accountability, transparency, and a continued focus on tackling child poverty. In particular, the requirement for Scottish Ministers to publish an annual progress report detailing the measures they have taken ... have certainly helped ensure the Scottish Government is clear and open, and takes ownership and responsibility for planning and progress.”

A similar theme was also expressed by West Lothian Council:

“The scrutiny measures have been effective in areas such as ensuring accountability, transparency, and continual progress towards reducing child poverty.

The Poverty and Inequality Commission was the focus of many of the comments, with a number of respondents suggesting that the Commission had had a positive impact. The Poverty Alliance stated that the Commission provides:

“timely reporting that allows for the Scottish Government to be held to account. Additionally, its broad remit beyond child poverty spotlights the necessity of holistic and intersectional approaches to anti-poverty action. Children are not in poverty in isolation; their poverty is linked directly to family and women’s poverty. The Poverty and Inequality Commission help to keep this in focus.”

Scottish Borders Council also welcomed the work of the Poverty and Inequality Commission, noting that it is:

“effective, and their publications are helpful in providing up to date information and recommendations to Scottish Government and the wider audience. Independence gives added credibility, weight, and authority to its pronouncements, which has a further catalysing impact on action.”

There were however concerns raised that the resourcing of the Commission is not sufficient. Fraser of Allander Institute - University of Strathclyde stated that:

“to the best of our knowledge, the Poverty & Inequality Commission is not given sufficient resources to carry out significant original research and analysis, which limits the level of scrutiny they can provide.”

The Joseph Rowntree Foundation also felt that the Commission’s ability to scrutinise was limited by its resources:

“the Commission has a key scrutiny role for the Act in addition to providing research and support. However, their wide and complex remit, ad hoc requests for advice, the relatively low staffing and the small research budget of the Commission means that the ability to scrutinise can be limited.”

Other organisations with a scrutiny role were also praised in the submissions. Shetland Islands Council said that “it has been useful to have the Improvement Service to build capacity in the production and delivery of Local Child Poverty Action Reports.” Fife Council agreed with this, stating:

“The infrastructure around the Act is extensive and local authorities/health boards receive feedback from the Improvement Service and Public Health Scotland on LCPARs. This is helpful and appreciated, and it is very useful to see what other areas are doing across Scotland and learn from them to develop our approach.”

In the submissions from other respondents, concerns were raised that the scrutiny measures built into the Act were not working as well as intended. Falkirk Council said that:

“Scrutiny measures have not been as effective as they might have been. Local areas report on different things in different ways, and whilst there are some great descriptions of work carried out it is difficult to know if it has had a real impact on addressing poverty locally. In general, reporting mechanisms are complex and time consuming, with the collective time spent on producing reports better spent on partnership working and actual delivery of measures to



address poverty. The bureaucracy this creates is costly to all parties involved, and the statistics suggest that the existence of scrutiny measures alone has made no real impact.”

Other organisations were concerned that the scrutiny arrangements were not leading to more effective action. The Scottish Women's Convention noted that:

“Ultimately, scrutiny plays a significant role in assessing the quality of work carried out, however must be followed with tangible, evidence-led actions. With little change in child poverty rates, it can be argued that although scrutiny enables effective monitoring of the issue, it has not resulted in an observable difference to children’s lives.”

Save the Children made a similar point in its submission, saying that:

“Within the current context, which shows that we are not yet seeing sufficient progress to meet the statutory targets, Save the Children is concerned that existing scrutiny measures are not encouraging the bold action that is required to end child poverty.”

For in addition, “scrutiny processes need to include stronger enforcement mechanisms to ensure that government commitments are met within the set timelines.”

A final theme found within the responses to the question about scrutiny was the issue of the quality of the data being used. NHS Lanarkshire suggested that:

“A challenge remains around the quality of data as the effectiveness of scrutiny measures relies heavily on the quality and comprehensiveness of the data collected. Inconsistencies or gaps in data reporting can hinder meaningful assessments. In addition, there are challenges with measurement of short/medium/long term impacts, given that the impact of initiatives on child poverty levels and individuals may take time to be evident and may not always be captured in annual reports.”

Aberdeen City Council also felt that there is a:

“need to ensure the availability of child poverty datasets at local and neighbourhood level to enable improvement to be evaluated and ensure targeted interventions are directed to support a reduction in inequalities.”

## **Impact of Bill scrutiny**

The majority of respondents did not provide a response when asked if they had been involved in scrutiny of the Bill in 2016/17, and if it had had the impact they expected. From those who did answer, the general consensus was that the legislation has made a difference, but that it had not had as strong an impact as they had hoped.

This view was expressed by Save the Children who said that:

“While the Act has delivered the ‘right diagnoses’ of the issues, in some policy areas there hasn’t yet been a ‘strong enough prescription’ or investment to deliver the changes needed including housing and flexible jobs for parents.”

South Lanarkshire Council provided a similar comment, stating:

“We think that the original aspirations in the bill have been partly met. E.g., there is increased awareness and understanding of child poverty and the cause and possible solutions are now more universally understood. There is now a greatly increased sense of a shared responsibility to address poverty/child poverty at a local level. However, there still seems to be a range of challenges that we haven’t been able to find a solution to either locally or nationally.”

CPAG in Scotland concurred:

“The Act has had the impact we expected, although not the full impact we would have hoped... The Act has helped create an environment that has led to significant investment and change in some policy areas (albeit not yet enough) such as social security, but not nearly enough in others, especially childcare, housing and ensuring our economy provides decent family friendly jobs.”

The need for greater investment to ensure that the Act has the expected impact was raised by a few of the responses. One Parent Families Scotland suggested that:

“One of the major challenges is the financial constraints faced by the Scottish Government. Budget cuts and financial pressures have made it difficult to allocate sufficient resources to effectively tackle child poverty. This has led to criticisms that the government is not doing enough to meet its ambitious targets.”

The Poverty Alliance also discussed resourcing, stating:

“the ambitions of bold commitments and legislation will only be met through a range of actions that work together, are resourced, and transformative in scale. As such, there must be scaled up and accelerated investment in all ‘Best Start, Bright Futures’ commitments to close the policy implementation gap that is currently rendering it extremely challenging to meet the 2030 child poverty targets.”

Other organisations expressed the view that the Act had failed in its objectives. CRER, for example:

“was involved with the Bill in 2016/17 and has been severely disappointed by its impact on BME families living in poverty. Despite the creation of a strong framework, a lack of monitoring and enforcement mechanisms have led to a failure to implement real change for minority ethnic families in Scotland. The rate of minority ethnic families living in poverty has been rising in recent years and currently stands at double the rate of white British children living in poverty.”

## Targets as a driver of policy

The final question in the call for views asked respondents what the implementation of the Act can tell us about the effectiveness or otherwise of statutory targets as a way of driving policy. The general consensus across the responses was that statutory targets are useful, but that they do not drive policy alone.

The view of North Ayrshire Council was that:

“Statutory targets signal a clear national policy commitment and aid in establishing local priorities and mobilising support at a local level across services and partners. Monitoring of targets, with both annual and three year average data points, on key indicators help to assess whether current efforts are enabling the eradication of child poverty or whether more needs to be done to drive progress within a challenging public sector context.”

There was a similar submission from the Poverty and Inequality Commission, suggesting that:

“Statutory targets in themselves are not enough to drive policy and change, but can be a useful tool in keeping political focus on an issue where there is a large degree of consensus on the aim, if not always on how to achieve that. The child poverty targets are particularly useful in keeping that focus over time on something that can only be achieved by sustained commitment over a number of parliamentary terms.”

For many of the respondents, statutory targets could be the first component in driving policy, but they needed to be backed up by effective resourcing and additional action. Aberdeen City Council noted that “The targets are laudable ambitions but the actions to deliver them require to be resourced adequately.” Families Outside commented that:

“It is our view that implementation of the Act so far has primarily demonstrated the effectiveness of statutory targets in helping to ensure continuing policy commitments to tackling child poverty, rather than demonstrating their effectiveness in driving decisive policy action to ensure they are met.”

Scottish Women's Aid agreed, stating:

“Statutory targets are necessary, but not sufficient, in order to drive policy. We are currently seeing a gap between words and action when it comes to implementation of the Child Poverty Act.”

Many respondents highlighted the belief that Scotland would miss the interim targets. NHS Orkney discussed this, saying:

“Unfortunately, the targets may end up simply illustrating how far from meeting our aspiration we remain. That does not mean that the targets are entirely ineffective. The relative gap between the target and the reality being delivered should act as a catalyst for further concerted efforts.”

One respondent, Falkirk Council, suggested that outcomes may be far more effective than targets in driving change. They said:

“The Act assumes statutory targets and interventions led by statutory agencies are effective in tackling child poverty. There needs to be a fundamental test of this assumption... The targets themselves do little to drive day-to-day action, owing to the structural issues in society which are the deep-rooted causes of child poverty... Outcomes are a much better way of driving policy, as they define a vision of the future which is easier to imagine and seems more achievable. As an example, a simplistic outcome could be that all children in Scotland, regardless of their socio-economic status, live in a warm, comfortable home. The key is then ensuring that the right things are being measured to direct progress towards achieving those outcomes.”

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**SPICe Research**  
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