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Post-legislative Scrutiny: Child Poverty (Scotland) Act 2017

Introduction

The Committee is undertaking post-legislative scrutiny of the Child Poverty (Scotland) Act 2017.

The Committee will hear from:

- Shirley-Anne Somerville, Cabinet Secretary for Social Justice
- Ann McKenzie, Unit Head, Tackling Child Poverty Policy Unit, Scottish Government
- Andrew Fraser, Child Poverty Briefing and Strategy Team Leader, Scottish Government

This paper provides background and six suggested themes for discussion.

Background

The Committee is looking at the impact of having a statutory framework for reducing child poverty and has taken evidence from local authorities and national organisations on [21](#) and [28 November 2024](#).

In previous work, the Committee has looked at two key areas of the current policy approach – [the impact of the Scottish Child Payment](#) and [efforts to increase earnings from employment](#). This post-legislative scrutiny exercise adds to that work by considering the impact of having a legislative framework underpinning these policies.

Child Poverty (Scotland) Act 2017

Post-legislative scrutiny can include considering the impact of changes made during the parliamentary process. The Bill that became the 2017 Act was amended as it went through parliament. The Bill introduced set targets for four measures of poverty to be met by 2030-31 and provided for national delivery plans every four years, with annual reporting at national and local level.

Amendments made at Stages 2 and 3 included:

- adding interim targets to be met by 2023-24
- establishing the Poverty and Inequality Commission to advise ministers, monitor progress and promote the reduction of poverty and inequality
- adding more detail specifying the content of the delivery plans, progress reports and local action reports
- adding the requirement to make a statement to Parliament on the delivery plan.

In the [Stage 3 debate](#), the then Cabinet Secretary described the legislation as:

“our statement of intent, as a Parliament, not just to tackle but to end child poverty. However, as most members from across the chamber have rightly acknowledged, statements of intent are all very well, but it is what we do that counts.”

She described the targets as ‘ambitious and challenging’ but achievable:

“The scale of the challenge that we face—the biggest increase in child poverty since the 1960s—is profound.”

[...]

“The question that we will ask ourselves today and every day is this: what can we do today, and what can we do now to make a difference? Although I will always contend—not surprisingly—that our job of meeting the ambitious and challenging targets would undoubtedly be easier with more powers, I acknowledge that, under any constitutional settlement, the job of eradicating child poverty will always be challenging and will never be easy. That does not mean, however, that it is not achievable.”

The Act provides for three delivery plans covering the 12 years from 2018 to 2030.

1. [Every Child, every chance: tackling child poverty delivery plan 2018-2022](#) was published in March 2018. The flagship policy in this plan was the Scottish Child Payment. Progress reports were published each June, culminating in the [final progress report on the first delivery plan](#) published in June 2022.
2. The second delivery strategy, [Best Start Bright Futures: tackling child poverty delivery plan 2022-26](#) was published in March 2022. A key focus in this plan was increased focus on how parents could increase earnings through employment. Again, annual progress reports are published in June, with the most recent being the [second report, published in June 2024 and covering 2023-24](#). The progress report gave updates on over 108 policies.
3. The third delivery plan will cover 2026-27 to 2030-31 and must be laid in Parliament by March 2026.

Each year, the Poverty and Inequality Commission publishes its report on the progress report. The [most recent \(June 2024\)](#) found ‘limited progress’ towards

meeting the targets, and that: “While some good work is taking place, this is not at the scale necessary to deliver the transformation required”.

Each year, there is a parliamentary debate on the progress report, normally towards the end of June. [This year’s debate on 11 June](#) focused on joint commitment, the challenging context and whether government action was sufficient.

Progress towards targets

Data is published every March. In March 2025, data will be published for the interim target year of 2023-24. The table below shows the targets alongside data for 2022-23 with its margin of error.

Measure	2022-23 (margin of error)	Interim target 2023-24	Final target 2030
Relative poverty	26% (15% to 37%)	18%	10%
Absolute poverty	23% (12% to 34%)	14%	5%
Low income and material deprivation	12% (1% to 22%)	12%	5%
Persistent poverty	14%	8%	5%

Definitions and sources:

Relative: equivalised incomes below 60% UK median in the current year.

Absolute: equivalised incomes below 60% UK median in 2010-11 adjusted for inflation.

Low income and material deprivation: equivalised income below 70% UK median and going without certain basic goods and services.

Persistent: relative poverty in at least three of the last four years.

Equivalisation adjusts household income to take account of family size and children’s ages.

Persistent poverty is based on the Understanding Society Survey, the other measures are based on the Family Resources Survey.

Scottish Government [Child Poverty Update, March 2024](#).

Evidence received

A [summary of written submissions](#) is available on the Committee’s website. Overall, the general view was that the Act has had a positive effect in creating a focus on child poverty, but there was concern that action was not sufficient to meet the targets. Key themes included:

- The Act has improved collaboration between agencies and ensured child poverty remains on the agenda at a senior level.
- Local reporting duties ensured a focus on child poverty, but there were concerns about the reporting burdens and lack of resources.
- Targets, plans and reporting are useful but they are not sufficient on their own to drive change. There was concern that the policy package was not strong enough, and that the targets would be missed.
- There were varied views on how well the Act had ensured proper scrutiny. At a national level, the work of the Poverty and Inequality Commission was welcomed, although it is limited by resources. Some described the Act as “ensuring accountability, transparency and continual progress.” Others were more critical – particularly on the level of Parliamentary scrutiny.

- There were mixed views on the extent to which local reporting created transparency and accountability. Some submissions refer to inconsistent reporting and lack of 'enforcement'.
- While the Act and delivery strategies emphasise using data to inform policy, many submissions described frustrations with getting timely, detailed data on child poverty – particularly at a local level.

In oral evidence the Committee heard first from local authorities and the Poverty Alliance. Key themes included:

- The Act has created a shared focus on child poverty and improved collaboration between agencies and organisations at a local level.
- Witnesses were supportive of the need for targets.
- The Act's requirements have led to improvements in data at a local level which has allowed more precise targeting of families in need of support. However, there are barriers to data-sharing that could be addressed at a national level.
- There needs to be a balance between innovation and scaling up tried and tested approaches that are known to work.
- National support from the Improvement Service is well-received, but resource for this is limited.

Last week the Committee heard from national organisations, who gave a very positive view of the Act. Key themes reflected previous evidence, including:

- Scottish policies, informed by the Act, are making a difference to child poverty but are 'nowhere near adequate' to meet the targets.
- The Act had led to a 'whole government' approach, with child poverty being a key priority for three First Ministers.
- The statutory approach also creates leverage at a local level.
- There is more data and more analysis available because of the Act, but there are issues with the Family Resources Survey which need to be resolved between UK and Scottish Governments.
- The use of income measures is appropriate and hasn't led to other aspects of poverty being neglected. Nor has the focus on child poverty been the cause of increasing poverty amongst single adults without children.

Themes for discussion

Theme 1: Impact of the Act on Scottish Government policy choices

The Act was introduced in reaction to the removal of the equivalent UK statutory targets. The Act as passed differed from the Scottish Government's initial plans, particularly in relation to:

- a statutory scrutiny body,
- inclusion of interim targets, and
- requiring certain issues to be addressed in delivery plans and reports.

The Committee has been told that a statutory approach has had a significant impact. For example:

- John Dickie (End Child Poverty Coalition) told the Committee that prior to the Act there was not much appetite for another social security payment. The requirement to have a delivery plan ‘focused minds within government’ and encouraged the development of the Scottish Child Payment. (Social Justice and Social Security Committee, 28 November, 10.10am)
- There has been an increased focus on child poverty across government, “it is hard to imagine that it would have seen that level of focus and policy intervention and significant investment without that shift that the Act brought about where there was a direct legal responsibility on Scottish Ministers to bring about significant reductions in child poverty.” (John Dickie, 28 November, 9.37am)
- Chris Birt (Joseph Rowntree Foundation) said that the Act ensured continued focus in the face of external events that could have pushed child poverty into the background, such as COVID, cost of living crisis and UK Government policy (28 November, 9.38am)
- Stephen Sinclair (Poverty and Inequality Commission) discussed research he had done, prior to the Act being in place. He said that local officials working on child poverty wanted a statutory framework, because “when there’s a statutory obligation you get access and authority you wouldn’t have had otherwise” (28 November 9.42am).

Members may wish to discuss:

- 1. How has the statutory framework affected the Scottish Government’s policy choices? What would you have done differently under a non-statutory approach?**
- 2. How have the changes made by Parliament, such as inclusion of interim targets, affected the Scottish Government’s approach?**

Theme 2: Cross-government working

Tackling child poverty is a cross-cutting issue that requires action across a very broad range of policy areas and tiers of government.

For example, the current delivery plan – [Best Start, Bright Futures](#) includes the following policy areas:

- Employment
- Transport
- Childcare
- Social security
- Education
- Digital connectivity
- Housing and energy costs

- Family support

Tackling child poverty is a key priority across government - it is the [“central mission” of the First Minister](#). The 2023-24 progress report published in June 2024 described:

“a new Ministerial Oversight Group in October 2023, ensuring that the Ministerial portfolios with the potential to make the most significant contributions to eradicating child poverty are maximising those opportunities.”

Some written submissions gave examples of improvements in joined-up working. For example, the Child Poverty Action Group commented that:

“A child poverty lens has been applied to policy across Scottish Government to a far greater, albeit still variable, extent than previously. For example, there has been a greater focus on parents and carers within employability programmes, and the role that transport policy can play in reducing costs and opening up opportunities has had increasing recognition.”

Last week, witnesses were very positive about how the Act had led to a much greater focus on child poverty across the Scottish Government.

Stephen Sinclair (Poverty and Inequality Commission) said:

“I was impressed by the level of engagement across the Scottish Government when I met some of the senior civil servants in the Directorates. They were thinking how does this relate to criminal justice for example. I don’t think that mentality would have been embedded had there not been an Act”. (28 November, 9.41 am)

John Dickie (End Child Poverty Coalition) compared this to the situation prior to the Act, saying:

“I remember the days when it was just one or two civil servants for whom this was a responsibility – it was tucked away in a more junior ministerial portfolio when you’d just be engaging with one division of government. So we’ve really seen a sea-change there.” (28 November 9.34am)

While things have progressed, some of the written evidence suggests there is still room for further improvement. For example, Falkirk Council suggested that the council tax freeze prevents action on child poverty by reducing council funds and COSLA referred to multiple “small pots” of short-term funding, noting that:

“These pots of funding are often not joined up, leading to a fragmented landscape of different pots of funding each with their own conditions and reporting requirements, with services often aimed at the same people.”

Families Outside described how various policies are not sufficiently co-ordinated:

“Policy commitments within the Social Justice and Transport portfolios, such as those set forth in the second Child Poverty Delivery Plan and the National

Transport Strategy, are also key to addressing this issue. We are not currently seeing the joined-up approach across these policy areas that is necessary to deliver change on the ground for families and alleviate the financial hardships they are facing associated with imprisonment. “

Social Work Scotland and Scottish Association of Social Workers said:

“The lack of coordination and alignment between policies, a siloed and short-term approach to funding streams and the increasing focus on monetary approaches to income are not achieving the desired – and shared – outcome to reduce poverty and increase the life chances of our children.”

Members may wish to discuss:

- 3. In what ways has the Act helped ensure effective work to tackle child poverty across all policy areas within the Scottish government? Which policy areas have been more challenging to include in a cross-government approach?**

Theme 3: Local action

The Committee has heard that the reporting requirement in the Act have improved collaboration between local agencies. Support is provided to local areas through the improvement service, national partners group and various funds such as the Child Poverty Accelerator fund and the Whole Family Wellbeing Fund.

Support for local areas

Peter Kelly (Poverty Alliance) described how:

“Colleagues from the national partners group are providing support where we can so that local authorities and health boards can identify the kind of external input and support that they might need. However, that resource is relatively limited.”

Shetland Council, in their written submission, said that it had been useful to have the Improvement Service to build capacity in the production and delivery of Local Child Poverty Action Reports.

In written submissions, there was some concern about the ‘burden of reporting’ and lack of resources. However, in oral evidence, witnesses had a more positive view, considering that the reports provided a useful focus and that Scottish Government funds – such as the Whole Family Wellbeing Fund had been helpful.

Glasgow, Dundee and Clackmannanshire Councils had particular support as ‘Pathfinder’ areas focused on how local services could be better joined up in tackling child poverty. This year, the [Scottish Government announced that a further five local authorities would become ‘Fairer Future Partnerships’](#), with the intention that further local authorities would be added over time.

“Partnerships will focus on engagement with Local Authority partners and trusted community organisations and utilise existing infrastructure to target families and communities with the greatest need. Each partnership operates and delivers outcomes desirable to their own locality and needs, in line with a place-based delivery approach.”

Last week, John Dickie noted that not all local authorities and health boards published timely reports. Both John Dickie and Chris Birt noted that there was a lot being done on income maximisation and there could be more emphasis on action in relation to housing, childcare and economic development. John Dickie suggested there was scope for more detailed Scottish Government guidance and greater efforts to identify what works and share that across Scotland. (28 November, 10.24am)

Stephen Sinclair (PIC), suggested that:

“The real big issue which is challenging is sharing budgets, sharing staff, sharing resource between organisations. Some of that is within the power of the Scottish Government to liberate Community Planning Partnerships to have the silos in terms of funding allocation and reporting duties. There is a bit that could be done to allow more experimentation there.” (28 November 10.28am)

Child poverty as part of broader anti-poverty work

Local child poverty action reports are available on the Improvement Service [website](#). In a number of these, it is notable that child poverty is considered within the broader framework of anti-poverty work generally, with the result that not all the policies reported on have a specific focus on child poverty. This theme of taking a broader approach also came up in the written submissions. Argyll and Bute Council described how:

“Prior to the Act and the framework, there was, in most areas, insufficient focus on child poverty. Rather the focus was more on a generalised approach to tackling poverty that saw Anti-Poverty Strategies being the basis for planning and resource allocation.”

The requirement to focus on child poverty was seen as narrow by some. In their written submission, Falkirk Council stated that:

“The narrow focus on addressing child poverty, as opposed to addressing poverty in general, can sometimes be restrictive.”

However, in oral evidence, Sally Buchanan (Falkirk Council) took a broader view, explaining how they aligned their child poverty report with their broader anti-poverty strategy ([Social Justice and Social Security Committee Official Report, 21 November, col 4](#)). Peter Kelly (Poverty Alliance) described this approach positively, saying:

“We tackle child poverty by tackling family poverty, and we do that through a variety of interventions. As Martin Booth said, we cannot focus just on efforts that are directed solely at children; we have to think about the employability

piece with regard to parents, the efforts to increase the number of jobs that pay at least the real living wage and so on. They are all part of the general effort to tackle child poverty. It is difficult to tease all of that out, which is why the efforts that some local authorities and health boards have made to integrate their child poverty action reports into wider reports can be quite helpful.” ([Official Report, 21 November 2024, col 10](#))

Last week, John Dickie described that the Local Child Poverty Action Reports are increasingly embedded in wider strategic planning and reporting and that they were ‘not just box-ticking.’

Data sharing of administrative records

One area that came up in written submissions was the difficulty in getting data-sharing of administrative records in order to target particular families with support. (The separate issue of availability of child poverty statistics to understand local trends is covered in Theme 4 below).

Martin Booth (Glasgow City Council) referred to difficulties in getting Scottish Child Payment records from Social Security Scotland so that the council can target eligible families who aren’t claiming it. He said that DWP will give them access to data, but only for research purposes – not to target individuals. He commented that:

“having a wider data set and access to all the data would be really helpful, as would being able to use that data to target families that need help, rather than having to take a wildfire approach” ([Official Report, 21 November, col 9](#))

One area where data-sharing has been established is on eligibility for early learning and childcare. (Eligibility is based mainly on receipt of low-income benefits, so this is an anti-poverty measure). [A letter in June 2023](#) from the Minister for Children Young People and Keeping the Promise to the Education, Children and Young People Committee described how data-sharing between DWP Scottish Government and local authorities had been established so that:

“Local authorities can now access data on all the households in their area that have a child of the relevant age, eligible for funded ELC on the basis of a parent’s receipt of a qualifying benefit. The data they receive is the minimum needed for local authorities to fulfil the purpose of making eligible households aware of the local offer. The data cannot be used for any other purpose.”

The intention is that local authorities are able to target individual families to increase take-up.

Members may wish to discuss:

- 4. To what extent has the Act helped create more effective action at a local level?**
- 5. Last week, it was suggested that there was scope for more detailed guidance on Local Child Poverty Action Reports, and better sharing of ‘what works’. What is the Scottish Government’s view?**

6. **What feedback do local authorities receive on their Local Child Poverty Action Reports? Do they only receive feedback if they specifically request it?**
7. **To what extent is data-sharing required for local authorities to tackle child poverty? What lessons have been learned about its effectiveness from the provision of household data on early learning and childcare eligibility?**

Theme 4: Child poverty statistics

The Poverty and Inequality Commission's submission describes how:

"The statutory framework has led to a greater focus on and investment in evidence and analysis on reducing child poverty by the Scottish Government."

However, the reliance on statistical measures has raised its own issues. Child poverty statistics are published a year after the year to which they relate and have a large 'margin of error'. They are good for establishing long term trends at a national level, but not so good at monitoring annual change, particularly if that change is marginal.

Family Resources Survey sample sizes

Last week, witnesses described problems with the Family Resources Survey which underpins the statistics used in the targets. In particular:

- Smaller sample sizes make it difficult to do detailed analysis below UK level.
- The 2022-23 survey did not appear to pick up the impact of the Scottish Child Payment. It is hoped that this will be clear in the 2023-24 results due in March 2025.

Chris Birt noted that he had discussed with Scottish Officials how Northern Ireland had managed to get their sample sizes back above pre-COVID levels. In Northern Ireland, they have changed the way they have done the survey.

Referring to the difficulty of analysing the impact on the priority families, he said:

"We need to be able to understand better how a policy like the Scottish Child Payment is impacting on those families" [...] "It's really important that officials in the Scottish Government and the DWP sit down and try and get a solution on this." (28 November 10.31am)

John Dickie noted that the End Child Poverty Coalition has been engaging with DWP on improving the quality of national, region and local data across the UK. (28 November, 10.37am).

Local area statistics

As noted above, the DWP have provided data to Glasgow City Council for research purposes, which has enabled them to consider child poverty at council ward level.

Local child poverty statistics are not published by the Scottish Government, although 'low income' local statistics are available from Loughborough University. Some local authorities, such as Glasgow, use their own administrative data to pinpoint areas of child poverty. CPAG commented in their written submission that:

“local areas are often working alone to develop their data and intelligence capacity. A more consistent approach across Scotland may be beneficial in many cases.”

Chris Birt referred to the amount of data that is available at local level in terms of housing benefit, council tax reduction etc, saying:

“It’s all there. [...] people say, communities know who is struggling in their communities. Yes they do, so get on with it.” (28 November 10.16am)

In a similar vein, Stephen Sinclair said lack of data shouldn’t prevent action:

“There are certain things we know, that we don’t need to measure. We shouldn’t not engage in particular actions just because we don’t have data. We know that hungry children don’t flourish. You don’t really need marginal data on that. There are certain policies that it is very plausible to believe have an effect. [...] If you do certain things, even if you don’t quantify the impact, there is reason to believe they will be beneficial. The data will help us target certain areas, but I don’t think it should be an inhibition on knowing what is right and what we need to do.” (28 November, 10.36am)

Members may wish to discuss:

- 8. The Committee has been told about some of the drawbacks of the Family Resources Survey on which the targets are based. Is the Scottish Government discussing with DWP how to resolve some of these issues – such as increasing the sample size in Scotland?**
- 9. What further support can the Scottish Government provide to local areas to improve the statistical data they have on local child poverty?**

Theme 5: Legally binding targets

Several written submissions refer to the targets as being 'legally binding'.

West Lothian Council said:

“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.”

Similarly, Save the Children refer to how:

“Long-term, legally binding targets have also encouraged long-term decision making because it sits outside of parliamentary terms and has cross-party support.”

The Joseph Rowntree Foundation considered that:

“The legally binding nature of statutory targets often makes them more compelling than voluntary or advisory goals. This legal backing can drive compliance and push policymakers, businesses, and other stakeholders to take action to avoid legal consequences.”

A few submissions commented on the lack of enforcement – either for local authority reporting or for meeting the targets. For example, Includem considered that:

“It is our view that scrutiny processes need to include stronger enforcement mechanisms to ensure that government commitments are met within the set timelines.”

Similarly, in their written submission, the Poverty Alliance commented that:

“In the absence of negative consequences or enforcement, it becomes unclear the extent to which the statutory framework has impacted approaches to reducing child poverty, particularly in local areas least committed to this agenda.”

The Coalition on Racial Equalities and Rights said:

“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.”

On the other hand, some felt that even if the targets are not met, valuable work will have been achieved. Argyll and Bute Child Poverty Group said:

“The fact that at a national level, child poverty was made a flagship issue, meant that a focus was maintained on it despite serious and unanticipated diversions such as the Covid-19 pandemic and the cost of living crisis. Having targets and delivery plans have also meant that Scottish Government and partners, like The Scottish Poverty and Inequality Research Unit (SPIRU) expended more energy and were given more resources, to forward research and enquiry into the causes and solutions to child poverty. This will have long term positive affects regardless of whether or not targets are met.”

Members may wish to discuss:

10. What should happen if the targets are missed?

Theme 6: Lessons learned and next delivery plan

The final delivery plan must be published by March 2026. The Act requires that, in preparing the delivery plan, Ministers must consult:

- The Poverty and Inequality Commission on the measures to be included and have regard to their recommendations.
- Local authorities or associations of local authorities
- Those working with or representing children
- Those working with or representing parents
- The Scottish Parliament
- Those working with or representing children or parents living in households whose income is adversely affected or whose expenditure is increased because a member of the household has one or more protected characteristics under the Equality Act
- Those with experience of living in poverty

These consultation requirements mean that work on the next delivery plan needs to start well ahead of 2026.

The Joseph Rowntree Foundation describe the delivery plans as ‘important documents’ that have so far been undermined by four general flaws:

- Good on diagnosis but weak on solutions
- Lack of follow-through – policies such as improving parental employability
- Lack of effective measurement of specific policies – in particular the Scottish Child Payment
- At points, “too scattergun” – “rather than devising a smaller number of specific interventions (whose impact could be measured) to address them, plans tend to contain a huge number of actions within them, often each of very small scale.”

Last week John Dickie commented that:

“We are a long way off meeting the targets, [...] Progress has stalled. We haven’t really seen any substantive new policy investment or policy interventions since 2022-23.” (28 November, 10.12am)

Chris Birt said:

“The only thing about putting money in families’ pockets is we keep cutting holes in the pockets while we do it.” (28 November 10.16am)

In their written submission, the Fraser of Allander Institute was critical of a lack of robust evaluation, saying:

“We have also not seen evaluations for many of the measures in the child poverty plans, for example employability services, being evaluated with respect to their impact on poverty.”

Members may wish to discuss:

- 11. What have you learned since 2017 about effective approaches to tackling child poverty? How is this influencing your approach to the final delivery plan?**

**Camilla Kidner
SPICe
28 November 2024**