



Law Society
of Scotland

Response to Call for Written Evidence

Child Poverty (Scotland) Bill

29 March 2017



Introduction

The Law Society of Scotland is the professional body for over 11,000 Scottish solicitors. With our overarching objective of leading legal excellence, we strive to excel and to be a world-class professional body, understanding and serving the needs of our members and the public. We set and uphold standards to ensure the provision of excellent legal services and ensure the public can have confidence in Scotland's solicitor profession.

We have a statutory duty to work in the public interest, a duty which we are strongly committed to achieving through our work to promote a strong, varied and effective solicitor profession working in the interests of the public and protecting and promoting the rule of law. We seek to influence the creation of a fairer and more just society through our active engagement with the Scottish and United Kingdom Governments, Parliaments, wider stakeholders and our membership.

The Society welcomes the opportunity to consider and respond to the Scottish Parliament's Social Security Committee's call for written evidence on the Child Poverty (Scotland) Bill. We do not propose to respond to all of the questions posed in the call for written evidence but have the following comments to put forward for consideration.

General Comments

The ambition to eradicate child poverty in Scotland by 2030 is laudable. The expression of this ambition through The Child Poverty (Scotland) Bill will increase the profile of child poverty in this country and encourage debate as to how child poverty may most effectively be addressed.

The legislation will also raise the profile of the actions taken by Scottish Ministers, local authorities and local health boards towards meeting the targets set by the Bill and invite scrutiny where progress has not been made. This should help to avoid stagnation and keep the issue of child poverty high on the political agenda.

We note the departure from the "life chances" approach as introduced by Section 5 of The Welfare Reform and Work Act 2016 (under which Scotland originally also had reporting requirements) and the re-introduction of the four proposed targets which were previously contained in The Life Chances Act 2010 (formerly The Child Poverty Act 2010). While we believe that others are better placed to address the appropriateness and scope of the four proposed targets, we would suggest that the inclusion of interim targets would be a useful means by which progress could be measured and could also help to promote early identification of any issues. This would encourage continued forward momentum and ensure that Scotland was on the right track for the goal of eradicating child poverty by 2030.

The requirements for the Scottish Ministers to develop and produce Delivery Plans and to prepare and lay progress reports annually will encourage progress, scrutiny and oversight however, we are concerned that

these measures alone will not secure the success of the Bill's aims. It is unclear to us what the consequences, if any, would be if the targets are not met. We question whether the Bill, in its current form, is justiciable and are concerned that it could prove largely unenforceable and therefore ineffective.

The involvement of local councils and health boards is appropriate; however, it might be more effective to require local councils and health boards to develop a detailed plan and approach that could then be measured against an annual report rather than requiring an annual report alone.

In general, we would welcome the establishment of a National Poverty and Inequality Commission in Scotland. It is a good idea to have an independent body providing oversight and scrutiny of the progress being made in relation to the aims contained within the Bill and perhaps such a Commission could be assigned that duty. More detail on this proposal would be needed in order to comment further.

We would highlight that the forthcoming social security legislation and the corresponding system design and implementation present a timeous opportunity to introduce changes that could help to make progress in addressing child poverty and therefore move Scotland closer to the four targets. We would suggest that some resources should be directed to look at how this opportunity could be used to have an impact on the issue of child poverty.

We question why the definition of "child" in the Bill is drafted so as to include "those deemed to be qualifying young persons for the purposes of Part 9 of the Social Security Contributions and Benefits Act 1992" instead of simply including persons up to 18 years of age. We would suggest that unless there is good cause to keep the drafting as is, it would be desirable for the definition of "child" to be drafted so as to clearly include all persons aged up to 18. This would be consistent with the definition contained in Section 97(1) of the Children and Young People (Scotland) Act 2014.

For further information, please contact:

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