

EQUALITY IMPACT ASSESSMENT – RESULTS

Title of Policy	Public Services Reform (Poverty and Inequality Commission) (Scotland) Order 2018
Summary of aims and desired outcomes of Policy	<p>To amend provisions relating to the Poverty and Inequality Commission outlined within the Child Poverty (Scotland) Act 2017 in order to improve the exercise of public functions in regard to efficiency, effectiveness and economy.</p> <p>The Order will allow a single statutory body to provide a wide range of independent advice on poverty and inequality.</p>
Directorate: Division: Team	Housing and Social Justice Directorate: Social Justice and Regeneration Division: Social Justice Strategy Unit

Executive Summary

The Public Service Reform (Poverty and Inequality Commission) (Scotland) Order 2018, if approved, will come into force on 1 July 2019 and will expand the functions, and amend membership arrangements, of the statutory Poverty and Inequality Commission established through the Child Poverty (Scotland) Act 2017.

The Order amends the Child Poverty (Scotland) Act 2017 in the following ways:

The amendment to section 8, subsection (2) expands the functions of the statutory Commission. The new functions are in line with those of the current Commission, set out in the position paper published by the Scottish Government on 3 July 2017, and retains the functions that the Child Poverty (Scotland) Act 2017 will give the statutory Commission.

The amendment to the Schedule increases the minimum and maximum number of Commission members from those set out in the Act. This is in recognition of the broader remit, and more closely reflects the membership of the current non-statutory Commission. It also amends the experience and knowledge provisions set out in the Act, to ensure that the Commission as a whole is required to have skills and knowledge related to poverty and inequality, rather than just child poverty.

Background

Scottish Ministers, in July 2017, established a non-statutory Poverty and Inequality Commission in order to provide scrutiny, challenge and accountability on poverty and inequality across the full range of Government portfolios.

At stage 2 of the Child Poverty (Scotland) Bill, amendments were lodged by Adam Tomkins MSP to establish a Poverty and Inequality Commission in statute. The Scottish Government's position was that the narrow scope of the Child Poverty (Scotland) Bill would effectively limit the remit of a Commission to matters related to child poverty targets, and it would therefore be preferable not to tie the Commission to the Bill.

The Committee decided that a Commission on a statutory footing was needed, and so the amendments were accepted at stage 2. A Commission with specific child poverty functions is provided for by the Act. However, Committee and stakeholders recognised the need for the Commission to have a wider focus on poverty and inequality.

The Scottish Government therefore explored options for giving the Commission a wide remit, while maintaining the statutory footing that there was a clear desire for.

An Order under the Public Services Reform Act 2010 is a pragmatic way of resolving this issue. It allows Scottish Ministers to propose to Parliament an expanded remit for the limited statutory Commission set out in the Act. It gives Parliament a clear role in approving the revised functions of that Commission, due to the enhanced scrutiny attached to the procedure for such an Order.

Public Services Reform (Poverty and Inequality Commission) (Scotland) Order 2018

In developing this Order, the Scottish Ministers have taken into account the contributions made during the Child Poverty (Scotland) Bill scrutiny. A number of members and stakeholders expressed the desire to see a Poverty and Inequality Commission with a broad remit on a statutory footing. Adam Tomkins MSP, in lodging his amendments on the statutory Commission, said:

“I would expect and hope that in future, the cabinet secretary and others will seek to amend and enlarge the commission's scope so that it focuses not only on child poverty but on poverty and inequality in the round.”

Scottish Government officials have also held discussions on the approach set out in the Order with key interested parties, including the Chair of the non-statutory Poverty and Inequality Commission, Oxfam Scotland, the Poverty Alliance, and the Child Poverty Action Group Scotland (CPAG).

In relation to the specific provisions in the Order, the Scottish Ministers have undertaken a sixty day consultation period and incorporated feedback into the final Order.

Consultation

Draft copies of the Order and explanatory material were sent by Scottish Ministers to impacted or interested stakeholders including; the existing Poverty and Inequality Commission (established by Ministers on 3 July 2017); Oxfam Scotland; Child Poverty Action Group (CPAG); Poverty Alliance; the Equality and Human Rights Commission (EHRC); and all members of the former Ministerial Advisory Group on Child Poverty.

Comments were received from the existing Commission, Oxfam Scotland, Poverty Alliance, CPAG Scotland, EHRC and COSLA.

Stakeholders warmly welcomed the draft Order. For example, both CPAG and the Poverty Alliance confirmed that they were satisfied with the draft Order and would seek no further changes to it.

Oxfam Scotland confirmed that the draft Order fulfils their initial expectations, and welcomed the constructive nature in which they have been able to input into its development.

EHRC were supportive of the Order and did not make any comments, however expressed that once established, the Commission would benefit from a working definition of what 'inequality' means.

“from EHRC’s point of view, equality relates to the 9 protected characteristics set out in the equality act, and inequality is concerned with socio economic deprivation and poverty. Clearly there is a significant cross over of people in both categories, but the reasons for women and men, or disabled and non-disabled people being in poverty, may be very different.”

A few minor comments were made, and these were considered prior to laying the final draft of the Order.

For example, the existing Commission recommended that the Order was amended to include direct experience of poverty and inequality as one of the skills criteria which the Commission as a whole is required to fulfil. The Scottish Government revised the Order to make this explicit.

Key Findings

There is significant support across a range of stakeholders and within Parliament for the Poverty and Inequality Commission to be given a wider remit, beyond that solely of child poverty.

The approach set out within the Order is supported by the current non-statutory Commission, chaired by Douglas Hamilton.

The expanded remit of the Commission will allow the body to look more broadly at poverty in the round and consider issues relating to equality groups at greater risk of poverty.

The amended membership of the group allows for greater representation from a range of interests.

Recommendations and Conclusion

Given that the Poverty and Inequality Commission will be advisory in nature there is no direct impact on those with protected characteristics. However, indirectly the Commission will have a substantial input in the policy landscape over the coming years. For example it will provide advice and scrutiny to Scottish Ministers to progress towards the targets outlined within the Child Poverty (Scotland) Act.

The Scottish Government has revised the Order to make the skills criteria of “lived experience of poverty” explicit, in line with the consultation response form the existing Commission.

No other substantive changes are required to the PSR Order as a result of this EQIA.