

# WELFARE REFORM ACT 2012

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 6: Miscellaneous

#### *Schedule 13: Social Mobility and Child Poverty Commission*

718. As originally enacted, the Child Poverty Act 2010 made provision for the establishment of a Child Poverty Commission. *Schedule 13* amends the Act so as to establish instead a Social Mobility and Child Poverty Commission.
719. New *section 8* provides for a ‘Social Mobility and Child Poverty Commission’ to be established. It also makes provision for the abolition of the Commission.
720. New *section 8A* requires the Commission to provide advice to a Minister of the Crown upon request, concerning how to measure socio-economic disadvantage, social mobility and child poverty. Any such advice must be published.
721. *Subsections (1), (2) and (3)* of new *section 8B* require the Commission to publish annual reports assessing the progress made towards improving social mobility and reducing child poverty in the United Kingdom. The reports must also describe the measures taken by the devolved administrations in Scotland, Wales and Northern Ireland in accordance with their devolved strategies. (In the case of Northern Ireland, this only applies after an appointed day (for which, see paragraph 11(4) of *Schedule 13*)). The first report has to be published within a year of the provision coming into force. Subsequent reports are required before each anniversary of the entry into force of *section 8B*.
722. *Subsection (4)* of new *section 8B* provides flexibility over the form that the annual report takes. For example, it would allow for one report covering social mobility and child poverty or two separate reports, one on social mobility and one on child poverty.
723. *Subsection (5)* allows a Minister of the Crown to delay the publication of any annual report by up to 9 months, at the request of the Commission. This is to allow for a situation where, for example, a delay to some relevant government statistics would prevent the Commission’s report from being as informative as it should be, if it were to be published in accordance with the deadline set out in *section 8B(1)*.
724. New *section 8C* allows a Minister of the Crown to ask the Commission to undertake other activities relating to the goals of improving social mobility in the UK and reducing child poverty in the UK.
725. New *Schedule 1* includes provisions on the structure and membership of the Commission, including terms of office, staff and facilities.
726. *Paragraph 1* enables a Minister of the Crown to appoint a Chair, Deputy Chair and such other members as he may determine. In addition, it requires Scotland, Wales and Northern Ireland each to appoint a member of the Commission. In the case of Northern Ireland, this applies only after the appointed day.

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727. *Paragraphs 2 to 7* set out the terms of office for the Chair, Deputy Chair and members, including the length of term, provisions for resignation of Chair, Deputy Chair or members, provisions for the removal of members and provisions for re-appointment.
728. *Paragraph 8* provides that a Minister of the Crown may provide the Commission with the staff and facilities necessary for the Commission to carry out its role. It also enables a Minister of the Crown, if requested by the Commission and if the Minister so chooses, to carry out or commission research. Such research has to be for the purpose of carrying out the functions of the Commission.
729. *Paragraph 9* enables a Minister of the Crown to provide remuneration to Commission members as appropriate. This is to ensure that Commission members' expenses can be covered and that there is provision for particular members to be paid if they are asked to carry out extensive analysis or research on behalf of the entire Commission.
730. *Paragraph 10* gives the Commission the necessary power to undertake activities that it needs to do in order to carry out its functions.
731. *Paragraph 11* confirms that the Commission is not a servant or agent of the Crown, and that it does not enjoy Crown status, privilege or immunity.
732. *Paragraph 12* gives the Commission the power to establish sub-committees as it sees fit.
733. *Paragraph 13* gives the Commission the power to regulate its own procedures and that of any sub-committee.
734. *Paragraph 14* provides that any vacancy in the Commission or sub-committee or any defect in the appointment of a member will not affect the validity of proceedings.
735. *Paragraph 15* provides that the functions of the Commission may be undertaken by a member or a sub-committee.
736. *Part 2* sets out further amendments to the Child Poverty Act 2010.
737. *Paragraph 5* repeals section 6(6)(b). This means that the consent of Commission is not required for the Secretary of State to change the definition of persistent poverty to be used for the persistent poverty target in section 6 (and as a consequence the target itself).
738. *Paragraph 6* repeals section 10(1) to (3). This means that the Secretary of State will not have to request advice from the Commission and have regard to that advice when developing the UK Child Poverty Strategy.
739. *Paragraph 7* repeals section 13(1) to (2). This means that Scottish Ministers and the relevant Northern Ireland Departments will not have to request advice from the Commission and have regard to that advice when developing their devolved child poverty strategies.
740. *Paragraph 8* repeals section 14. This removes the requirement upon the Secretary of State to provide an annual report for Parliament detailing progress made towards the child poverty targets, progress made towards implementing the child poverty strategy, and the measures taken by Ministers in the devolved administrations, in accordance with their respective child poverty strategies.
741. *Paragraph 9* amends section 15 so that the Secretary of State is required, after the end of 2020 (the "target year"), and after consultation with the devolved administrations, to produce a statement as to whether the targets have been met.
742. *Paragraph 10* reflects the fact that the Commission will not have to provide advice on the UK, Scotland and Northern Ireland Child Poverty Strategies and provides that the Commission must take into account economic and fiscal circumstances when considering advice given to a Minister of the Crown under section 8A.

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- 743. *Paragraph 11* contains some consequential amendments to definitions in the Child Poverty Act 2010. *Sub-paragraph (4)* defines the “appointed day” for Northern Ireland as a day appointed by a Minister of the Crown with the consent of the Northern Ireland Assembly.
- 744. *Paragraph 13* amends Schedule 2 of the Child Poverty Act 2010 to reflect the fact that the Secretary of State no longer has to produce a report after the target year, but has to provide a statement.
- 745. *Part 3* of new *Schedule 1* contains consequential amendments to other legislation.