



OFFICIAL REPORT
AITHISG OIFIGEIL

Social Security Committee

Thursday 22 June 2017

Session 5



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SOCIAL SECURITY COMMITTEE
13th Meeting 2017, Session 5

CONVENER

*Sandra White (Glasgow Kelvin) (SNP)

DEPUTY CONVENER

*Pauline McNeill (Glasgow) (Lab)

COMMITTEE MEMBERS

*George Adam (Paisley) (SNP)
Mark Griffin (Central Scotland) (Lab)
*Alison Johnstone (Lothian) (Green)
*Gordon Lindhurst (Lothian) (Con)
*Ben Macpherson (Edinburgh Northern and Leith) (SNP)
*Ruth Maguire (Cunninghame South) (SNP)
*Adam Tomkins (Glasgow) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Jackie Baillie (Dumbarton) (Lab)
Angela Constance (Cabinet Secretary for Communities, Social Security and Equalities)
Richard Leonard (Central Scotland) (Lab) (Committee Substitute)

CLERK TO THE COMMITTEE

Simon Watkins

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Social Security Committee

Thursday 22 June 2017

[The Convener opened the meeting at 09:00]

Child Poverty (Scotland) Bill: Stage 2

The Convener (Sandra White): Good morning and welcome to the 13th meeting in 2017 of the Social Security Committee. I remind everyone to turn off their mobile phones, because they interfere with the recording equipment. Apologies have been received from Mark Griffin; Richard Leonard is attending the meeting as a substitute for him.

The only item on the agenda is stage 2 consideration of the Child Poverty (Scotland) Bill. If we finish stage 2 proceedings today, we will not need to meet next Monday to receive a briefing on and consider our approach to the Social Security (Scotland) Bill. Instead, we could use our usual Thursday morning slot. I hope that that will act as an incentive with regard to today's business.

I welcome the cabinet secretary and accompanying officials to the meeting.

Section 1—Child poverty targets

The Convener: Amendment 9, in the name of the cabinet secretary, is grouped with amendments 10, 12, 12A, 13, 23 to 25, 28 and 29.

The Cabinet Secretary for Communities, Social Security and Equalities (Angela Constance): Good morning, convener. I will speak to my own amendments, as requested, and respond to amendment 12A, in the name of Pauline McNeill, and amendment 13, in the name of Adam Tomkins.

There is a growing body of support for the introduction of interim targets. Indeed, during the committee's evidence-taking sessions, many stakeholders spoke to the importance of interim targets as a means of instilling a sense of urgency and driving action to meet the 2030 targets, and I agree with many of the arguments that have been put forward.

As a result, amendment 12 seeks to place a duty on Scottish ministers to meet a set of interim targets in the financial year 2023-24, which is the midway point between now and the 2030 target year. The interim targets will be based on the same four measures as the 2030 targets: relative

poverty, absolute poverty, combined low income and material deprivation, and persistent poverty.

Amendment 12 proposes that the interim target levels be set in regulations. There are two justifications for that. First, the interim targets should be based on all available evidence, and we will be producing baseline projections for the first delivery plan, which will give us a robust basis on which to set interim targets that are realistic but sufficiently stretching. As I made clear during the stage 1 debate, my firm view is that we must be led by the evidence in our work on tackling child poverty. We know that child poverty is projected to rise across the United Kingdom, largely as a result of welfare reform, and we need to consider carefully the impact of that and how it will affect the work we take forward. I therefore believe that it would be unwise to set arbitrary interim target levels in the bill before that detailed and important work has been done. Secondly, we intend to seek advice from our independent poverty and inequality commission, which we will discuss later on this morning, on the interim targets that it would be appropriate to put in place.

Amendment 23 arises as a result of amendment 12. Section 9 requires that the final annual progress report set out whether the 2030 targets have been met, and if not, why not. Similar provisions will be required in relation to the annual report covering the interim target year. The progress report for financial year 2024-25 will refer to the 2023-24 interim target year statistics, and amendment 23 requires that the report include details of whether each of the interim targets has been met and, in the event that they have not, explain why.

Amendments 9, 10, 24, 25, 28 and 29 are minor technical amendments that arise because there are now two sets of targets and it is necessary to be clear about which set is being referred to throughout the bill. In particular, amendments 28 and 29 seek to establish the difference between interim targets, 2030 targets and child poverty targets, which is the term to be applied to both sets of targets where both are relevant for reporting purposes.

My thorough and robust proposals on interim targets and interim reporting will allow us to develop evidence-based interim target levels and increase the opportunities for parliamentary scrutiny of Scottish ministers' progress by requiring us to produce a detailed interim report. They take into account evidence that we heard during the committee evidence sessions. Indeed, as Jim McCormick of the Joseph Rowntree Foundation said:

"there is a strong case to have a thorough root-and-branch look at whether we are making substantial progress

at pace towards achieving the targets by 2030.”—[*Official Report, Social Security Committee, 27 March 2017; c 3.*]

On amendment 12A, in the name of Pauline McNeill, although I very much understand the rationale behind Ms McNeill’s proposed targets, which appear to be the halfway point between the latest published statistics and the 2030 target level, I would argue that my proposal for interim targets that are based on evidence and that will be considered by Parliament when I bring forward the regulations is a more robust approach.

The same arguments apply to amendment 13, in the name of Adam Tomkins. I am interested to hear how Mr Tomkins has arrived at the levels that he has proposed, because they seem to me to be arbitrary and to take no account of the likely impacts of external factors such as the on-going austerity programme. It is also not clear to me why amendment 13 requests the Scottish Government to estimate the number of children living in persistent poverty in 2014-15 in order to establish an appropriate interim target level. The Scottish Government has already published persistent poverty rates for Scotland for 2011 to 2015—the current level is 12 per cent. As a result, much of amendment 13 appears, in my opinion, to be unnecessary.

I want to be clear on one point, however: although I have proposed that the interim targets be set in regulations, I absolutely accept that Parliament should have the opportunity to scrutinise their level. That is why I have proposed that the regulations that I bring forward be subject to the affirmative procedure. I also confirm today that I intend to bring those regulations forward in sufficient time to ensure that the interim target levels are set in statute in time for the publication of the first delivery plan in April 2018. For the reasons I have set out, therefore, I unfortunately cannot support amendments 12A and 13.

I move amendment 9 and ask members to support my other amendments in the group.

Pauline McNeill (Glasgow) (Lab): Good morning. First, I very much welcome what the cabinet secretary has said about the need for interim targets.

Amendment 12A was drafted by the Law Society of Scotland and, when I saw it, I thought that it made perfect sense. I was in favour of putting interim targets in the bill itself; these targets were set halfway between the current level and the 2030 target level and related to relative poverty, absolute poverty and persistent poverty. I am pleased with what the cabinet secretary has said about the use of the affirmative procedure, but I feel strongly that the targets should be set out in the bill in order to give the Parliament a full say.

As we know, we are talking about a very short period of time to meet what are ambitious targets. That has to be commended, but it is important that we are clear about the interim targets that we have to meet before 2030.

Adam Tomkins (Glasgow) (Con): Good morning, cabinet secretary. Like Pauline McNeill, I support the Government’s recognition of the need for interim targets and—again, like Ms McNeill—I strongly think that they should be in the bill. I do not think it is fair to describe the interim targets as arbitrary unless we also think that the 2030 targets themselves are arbitrary. The 2024 targets are no more arbitrary than the 2030 targets, and I do not think that saying that they are is a helpful way to proceed.

All witnesses who gave evidence to the committee at stage 1 about the matter said that the bill should include interim targets and that they should be on the face of the bill, not agreed subsequently by delegated legislation. That is what the committee said unanimously in its recommendation at paragraph 65 of the stage 1 report, which says:

“The Committee is of the view that interim targets should be on the face of the Bill.”

Unfortunately the cabinet secretary’s amendment does not deliver on that but Pauline McNeill’s amendment 12A does, so we will support it. If that is agreed to, I will not move amendment 13.

Amendment 13 seeks to create a series of interim targets that are not arbitrary but which are calculated at halfway by half-time. We are talking about 12 years between the enactment of the bill and 2030, so the halfway point is 2024. The interim targets are calculated by looking at where we sit now with the targets as recorded in the Government’s most recent annual report on the child poverty strategy in Scotland, then looking at the 2030 targets as set out in section 1 and saying that we should be halfway to achieving those by half-time.

The reason why no figure is given for the fourth statutory target on persistent poverty is that no figure is given for that in the annual report on child poverty for 2016, which is the most recent one. I propose to give the Government some discretion in calculating that, but if the cabinet secretary already knows the figure, it could be adjusted at stage 3. As I said, if amendment 12A, in the name of Pauline McNeill, which we will support, is passed, I will not move amendment 13. However, I strongly believe—and a few weeks ago, the committee strongly believed—that interim targets should be in the bill, and amendment 12A delivers that while amendment 12 does not.

Angela Constance: It is important to emphasise that, under my proposals, Parliament

will have a full say in setting interim targets because they will be set out in regulations and Parliament, of course, has to approve those regulations.

Given the tenor and tone of my opening remarks, I hope that I have demonstrated that the Government has listened to the committee and to others. However, to summarise my position, I believe that interim targets should be informed by the evidence. I have outlined the work that we need to do to baseline projections and I also intend to get support and advice from the poverty and inequality commission.

The Government has also demonstrated enhanced opportunities for scrutiny, given that we will have an enhanced progress report that will say clearly whether targets have been met and if not, why not. We are all familiar with affirmative procedure, and I repeat my commitment to have the work done and to take the regulations through Parliament, if it is Parliament's will, in time for the first delivery plan.

Amendment 9 agreed to.

Amendment 10 moved—[Angela Constance]—and agreed to.

The Convener: Amendment 3, in the name of Adam Tomkins, is grouped with amendment 4.

09:15

Adam Tomkins: We all know that section 1 of the bill contains four income-related targets, or measurements of child poverty that are focused on income. We also all know that poverty is much more complex than that. That is underscored by the Scottish Government's own comprehensive and holistic approach to child poverty in its child poverty measurement framework, which lists 37 indicators of poverty, most of which do not relate to income. The approach that we want to take to the bill is not to reduce or dilute the income targets at all but to supplement them with two further sets of targets: targets concerned with children growing up in workless families and households, and targets concerned with the education underattainment gap.

Our approach is not that we should take an either/or view of poverty; we are saying not that we should look only at income or only at education and worklessness but that we should look at all those issues in the round.

My amendments in this group seek to add to the bill a target concerning the number of children growing up in Scotland in workless households. The way in which we have tried to identify and define what we mean by that is drawn directly from the Scottish Government's own child poverty measurement framework. The child poverty

strategy for Scotland already recognises the importance of the employment rate of parents, as does United Kingdom law in the Life Chances Act 2010, and our view is that the Child Poverty (Scotland) Bill should also recognise the importance of this in statute. The target is calculated with reference to the parental employment rate in Scotland between 2007 and 2014, as recorded in the Government's most recent annual report on the child poverty strategy in Scotland, which indicates that the parental employment rate has moved up from 80.4 per cent in 2007 to 81.8 per cent in 2014. Our proposed target is that the figure should rise to 86 per cent by 2030, which is a 4 per cent increase on the 2014 figure. We think that that is ambitious and stretching but realistic, and it is therefore commensurate with the ambitious and stretching but—I hope—realistic targets that the cabinet secretary has already set in section 1 of the bill.

I move amendment 3.

Ben Macpherson (Edinburgh Northern and Leith) (SNP): I thank Adam Tomkins for explaining his proposed amendments. I have some misgivings about the logic behind the amendments and the principle of bringing them forward within this legislation, in particular as a result of the notions behind the amendments and the language used. I think that, across this Parliament, we all share an ambition to increase employment and to help those who can and need to go into employment to access labour markets. However, in my view, the way that the amendments are articulated and the notions behind them seem to shift the cause of poverty on to people. The utilisation in the amendments of the concept of being "workless" is language that I do not think helps with the principles of addressing poverty. It is language that does not belong in the 21st century as we try to address these issues. Logically, I am not clear what the definition of workless households in the amendments encapsulates. For those reasons, I will not support the amendments.

Ruth Maguire (Cunninghame South) (SNP): I share my colleague's concern about the amendments. I think that the term "workless" is part of a rhetoric that shifts the blame for poverty on to individuals rather than recognising the structural aspects of it.

The amendments propose measuring employment rather than income, which is what the bill is about. Income is what needs to be measured, because people can be in work and still be in poverty as a result of low pay and poor hours.

The term "workless" does not take into account that some people who are not employed have

caring responsibilities or are studying. I really object to the amendments and to the term.

Alison Johnstone (Lothian) (Green): Worklessness is not a reliable indicator of poverty. Although workless households are more likely to be in poverty than working households, 70 per cent of poor children are in households with at least one working parent and some families are in poverty with two working adults. The bill defines poverty in terms of income, and I am not convinced that worklessness should be included.

George Adam (Paisley) (SNP): I agree with my colleagues. “Workless” is not the kind of term that we want to use. Ben Macpherson is 100 per cent right that, in the 21st century, we should not be using that term, because it almost makes out that it is the individual’s problem and they have created it. As has been said, people are in such situations for various reasons. Perhaps a carer is looking after a disabled member of their family, or someone has given up work to support other members of their family. The term “workless” is just not what we are looking at. I believe that we have the targets and the data that we need. Amendments 3 and 4 are probably not where we should be going with the bill.

Pauline McNeill: I agree with other members, and I will not support amendments 3 and 4. One reason for that is that, in the past few months, the committee has heard that two thirds of people who live in poverty are in work. Being in work is not necessarily a pathway out of poverty. It could give the wrong signal if we were to put the proposed target in the bill.

The Convener: I thank Adam Tomkins for the statistics that he gave us, but the term “workless” can include people who are disabled, full-time students at university and early retirees, and those people are not workless.

I am certainly not minded to support amendments 3 and 4, because the term “workless households” is demeaning. We are going to consider the Social Security (Scotland) Bill, which is based on dignity and respect, and anything that talks about worklessness and workless people is demeaning.

Angela Constance: With the bill, the Scottish Government is making a clear statement that income or lack of income is central to poverty, which is a view that our stakeholders strongly share. That is why the four targets at the heart of the bill focus on a range of aspects that are to do with low income. It will not be a surprise to Mr Tomkins to hear that I am opposed to amendments 3 and 4, as they will do nothing to increase the income of families of children living in poverty.

The new target that amendments 3 and 4 seek to introduce does not relate to income; in fact, it relates only to persons in employment. As we know, employment in itself is not necessarily a route out of poverty. As Ms Johnstone and others have outlined, in 2015-16, 70 per cent of children in poverty lived in households with at least one adult in employment, which was a 15 per cent increase from 2010-11. Although rates of employment in Scotland are relatively high, changes to the quality and nature of work, alongside the welfare reforms from Westminster, have driven up in-work poverty.

The four measures that are outlined in the bill are well known and understood among the stakeholders, and retaining them would provide a degree of continuity. The measures were chosen following extensive consultation and are designed to complement each other, with each capturing a different aspect of poverty. They are also strongly supported in Scotland and across the United Kingdom. An analysis of responses to a Department for Work and Pensions consultation on the targets in 2012 concluded:

“There is very strong support for the existing measures and near universal support for keeping income poverty and material deprivation at the heart of poverty measurement.”

During the committee’s first evidence session on the bill, Jim McCormick of the Joseph Rowntree Foundation said:

“It is important that we have a small core set of the right targets that are informed by a richer measurement or monitoring framework that gets more into the detail of the connections that drive the outcomes around those targets.”—[*Official Report, Social Security Committee, 27 March 2017; c 6.*]

I have no doubt that we will go on to talk in more detail about how we can improve the existing measurement framework to ensure that it captures the correct causes and consequences of poverty.

Those are the reasons why we have selected those four key measurements. For the reasons that I have set out, I do not support amendments 3 and 4.

Adam Tomkins: I thank committee members and the cabinet secretary for their remarks about the amendments. They are based on the insights in the Joseph Rowntree Foundation’s September 2016 report, “We Can Solve Poverty in the UK”, which said:

“For those who can, work represents the best route out of poverty”.

Our very strong sense is that no anti-poverty strategy will be effective unless it includes a focus on employment, employment rates and employability—I am not saying that it has to be uniquely focused on those issues, but it must include a focus on them.

The word “workless” is used simply to capture both employment and self-employment. It is not meant to carry any negative or 19th-century connotations; it is a widely used word that covers employment and self-employment.

The amendments do not seek to blame anybody for being in poverty—quite the opposite. There is nothing in the amendments, and there was nothing in my earlier remarks about them, to suggest that I think that poverty is caused by worklessness. However, there is clearly a correlation between poverty and worklessness—or unemployment, if you prefer. If that were not the case, the Scottish Government’s own child poverty measurement framework would not include indicators of child poverty that are to do with parental employment.

We take the view that there is a correlation between unemployment and poverty, and that no effective child poverty strategy will work unless it includes a focus on employment. For those reasons, I will press my amendment.

The Convener: The question is, that amendment 3 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lindhurst, Gordon (Lothian) (Con)
Tomkins, Adam (Glasgow) (Con)

Against

Adam, George (Paisley) (SNP)
Johnstone, Alison (Lothian) (Green)
Leonard, Richard (Central Scotland) (Lab)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
McNeill, Pauline (Glasgow) (Lab)
White, Sandra (Glasgow Kelvin) (SNP)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 3 disagreed to.

The Convener: Amendment 11, in the name of Adam Tomkins, is in a group on its own.

Adam Tomkins: Amendment 11 is a companion to the amendment that we have just debated and voted on. Again, it underscores our approach to child poverty, which is that too narrow a focus on income will not work, and that a number of what might be called life chances indicators need to be added to the bill not in order to dilute or distort the focus on income but to add to it. That is perfectly consistent with the approach that the Scottish Government takes in its child poverty measurement framework, which quite rightly includes a number of indicators pertaining to educational attainment. The child poverty strategy for Scotland recognises educational underattainment as an indicator of child poverty. It states that

“education plays a key role in contributing to the future prospects of Scotland’s children.”

The Education (Scotland) Act 2016 already provides that ministers must have regard to the link between socioeconomic disadvantage and educational underattainment in the exercise of their powers relating to school education. That is important and welcome, but it does not go far enough. The statistics that have been produced by the Scottish Government itself show that educational underattainment is an increasing problem in Scottish school education, not a decreasing problem. Amendment 11 is designed to add to, and give even more backbone to, the must-have-regard duty that we already have in the Education (Scotland) Act 2016.

09:30

My proposed target in amendment 11 is derived directly from the child poverty strategy in Scotland, which measures the performance of primary 7 pupils from the 30 per cent most deprived Scottish index of multiple deprivation data zones, including performance in numeracy and writing. That is the measure that I have, as it were, copied and pasted in amendment 11, with the target set at 80 per cent. Current performance is 54.3 per cent in numeracy and 56 per cent in writing. Those are shocking statistics that we should all be concerned about, and it seems to me that no child poverty bill that this Parliament passes is likely to be successful in its aspirations—ambitions that all of us across the chamber and across the committee share—unless it is prepared to confront and tackle the problem of educational underattainment in the way that amendment 11 seeks to do.

I move amendment 11.

Angela Constance: As we have heard, amendment 11 attempts to establish a new target for educational attainment, based on two of the indicators from our child poverty measurement framework. For the reasons that I set out in the debate on the previous group of amendments, I am opposed to there being an additional target on educational attainment. I reiterate my firm belief that the focus on income is crucial and correct. It is an approach that has been welcomed by stakeholders, and I think that we would be unwise to depart from what is generally considered by those who are experts in the matter as an appropriate and robust set of poverty measures.

Of course, as Mr Tomkins is aware, our renowned child poverty measurement framework considers a wide range of factors that impact on the lives of children and their families, including educational attainment and underemployment, and those matters and a range of other matters are the causes and consequences of child poverty and must be confronted, measured in the

measurement framework and addressed in the delivery plan. I accept that it is important to look at the broader picture, and that is why I have committed to reviewing the measurement framework in time for inclusion in the very first delivery plan. I would welcome views from Mr Tomkins, and indeed any other committee members, on the review of the measurement framework, but my strong view remains that the central focus of the bill and the targets must be on income.

The Convener: I invite Adam Tomkins to wind up and to indicate whether he wishes to press or withdraw his amendment.

Adam Tomkins: There is not very much that I can usefully add. I do not agree with the cabinet secretary, I am afraid. I agree with her about much of the bill, but I do not agree that an effective child poverty strategy that focuses only on income will work. What I am trying to do is to add further teeth to the strategy and to the bill, so that we can all stand a better chance of realising our collective ambition to eradicate child poverty in Scotland. I just do not understand the argument that we can do that by focusing on income alone without also having tough statutory targets to close the attainment gap.

The First Minister of Scotland has said that education is her Government's number 1 priority, and amendment 11 provides the opportunity to give some legislative teeth to that political aspiration. Education should be the top priority of everybody in the Scottish Parliament, not just everybody in the Scottish Government, and here is an opportunity actually to do something about it, so I will press my amendment.

The Convener: The question is, that amendment 11 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Lindhurst, Gordon (Lothian) (Con)
Tomkins, Adam (Glasgow) (Con)

Against

Adam, George (Paisley) (SNP)
Johnstone, Alison (Lothian) (Green)
Leonard, Richard (Central Scotland) (Lab)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
McNeill, Pauline (Glasgow) (Lab)
White, Sandra (Glasgow Kelvin) (SNP)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 11 disagreed to.

Section 1, as amended, agreed to.

After section 1

Amendment 12 moved—[Angela Constance].

Amendment 12A moved—[Pauline McNeill].

The Convener: The question is, that amendment 12A be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Johnstone, Alison (Lothian) (Green)
Leonard, Richard (Central Scotland) (Lab)
Lindhurst, Gordon (Lothian) (Con)
McNeill, Pauline (Glasgow) (Lab)
Tomkins, Adam (Glasgow) (Con)

Against

Adam, George (Paisley) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
White, Sandra (Glasgow Kelvin) (SNP)

The Convener: The result of the division is: For 5, Against 4, Abstentions 0.

Amendment 12A agreed to.

The Convener: Cabinet secretary, do you wish to press or withdraw amendment 12?

Angela Constance: Withdraw. Sorry—I meant press.

The Convener: It has already been moved, so if you did not want to press it you would have to withdraw it.

Angela Constance: I will press amendment 12.

The Convener: The question is, that amendment 12 be agreed to. Are we agreed?

Adam Tomkins: I am bit confused about what we are voting on now. We have just agreed to amendment 12A, which is an amendment to amendment 12.

The Convener: We are voting on amendment 12 as amended.

Adam Tomkins: As amended?

The Convener: Yes.

Adam Tomkins: Okay. I agree with amendment 12 as amended.

The Convener: I have been advised to put the question again for the avoidance of any doubt.

The question is, that amendment 12, which has been amended by amendment 12A, be agreed to.

Amendment 12, as amended, agreed to.

Amendment 13 not moved.

Section 2 agreed to.

Section 3—Absolute poverty

The Convener: Amendment 14, in the name of the cabinet secretary, is in a group on its own.

Angela Constance: Amendment 14 changes from negative to affirmative the procedure that is attached to the regulations that Scottish ministers may bring forward under section 3. It will ensure that any regulations specifying a change to the base year for calculation of the absolute poverty target should be subject to the enhanced parliamentary scrutiny afforded by the affirmative procedure. The amendment responds directly to the recommendations of this committee and the Delegated Powers and Law Reform Committee.

I move amendment 14.

Amendment 14 agreed to.

Section 3, as amended, agreed to.

Sections 4 and 5 agreed to.

Section 6—Calculation of net household income

The Convener: Amendment 35, in the name of Pauline McNeill, is grouped with amendment 36.

Pauline McNeill: These amendments are probing amendments. I was struck by the evidence that the committee heard about people with disabilities or long-term illness and the additional costs of being disabled. That should be addressed in the bill and in the Government's work in the long run. When we are looking at who is living in poverty, there is a certain logic to debating whether, when calculating net household income, we should consider whether someone in the household has a disability.

I lodged amendment 35 because I wanted to hear what the cabinet secretary has to say about that issue, and I lodged amendment 36 for similar reasons. I was struck by the evidence that was given to the committee about lone parents—not just the question of living on a low income but the difficulties arising for families with only one parent. One of the reasons why I am going to move a later amendment in relation to the automation of benefits is that I heard from Glasgow City Council that that had helped a lot of single parents. That is because one of the issues about their lives is that they do not have the time to fill in forms and so on. However, in relation to the present amendments, I simply want to hear what the cabinet secretary has to say on those points.

I move amendment 35.

Angela Constance: Stakeholders who work consistently on poverty issues have made it clear in their consultation responses and their evidence at stage 1 that the targets that we have proposed

are “robust”, “widely understood”, and “comprehensive and complementary”. The targets allow for comparison at UK level and allow us to track progress over time. The targets are based on definitions of net household income that have been developed over decades, with substantial input from independent and internationally renowned experts, including senior academics from Scotland.

I understand why Pauline McNeill wishes to amend the bill to refer to the additional costs that disabled people and lone parents have to bear. I agree with Ms McNeill that those are important issues and I hope to reassure her and the committee that the existing measures in the bill already go some way towards addressing them. The material deprivation measure, for example, provides some indirect evidence, because paying additional costs will leave individuals with less money to buy the basic essentials that are included in that measure. What is more, the calculation of household income is already equalised—that is, it is adjusted to take account of household composition. In short, the fact that a lone-parent household costs more per adult than a two-person household is already taken account of in the measures in the bill.

Making a material change in how net household incomes are calculated as implied by these amendments would be a substantial and, frankly, risky task. My statisticians have advised me that there is no accepted methodology for assessing such costs. They have assured me that developing any new methodology would need substantial time and resources. Data on household income is collected on a UK basis and data collection on a differential basis for Scotland is likely to be costly and difficult. I am concerned that problems may arise in agreeing such a methodology that would be difficult to resolve. In short, the amendments have the potential to cause serious difficulties for the implementation of the bill.

Even if the methodology was agreed and the data collection issues were resolved, in several years' time we would end up with a methodology for calculating net household income that was untested in practice and different from UK definitions. That would mean that comparisons across the UK were no longer viable and comparisons with the recent past would also no longer be possible. I know that Pauline McNeill and other committee members want us to move quickly to take strong action on child poverty and I could not agree more with that sentiment. I am sure that no one wants civil servants to spend the next year focused on redefining net household incomes when we already have an internationally renowned methodology in place, which already

considers issues of costs and household composition.

Statistics on lone-parent and disability poverty are already published annually, but I have asked my statisticians to consider how we can make sure that the stats that we produce are as useful as they can be to inform our understanding of that poverty and the debate about additional costs, and I am happy to write to the committee setting that out in more detail. However, for the reasons that I have set out, I cannot support amendments 35 and 36.

The Convener: Thank you, cabinet secretary. I ask Pauline McNeill to wind up and press or withdraw the amendments.

09:45

Pauline McNeill: I welcome your comprehensive answer, cabinet secretary. It would be useful to have a better breakdown of the statistics, to show the impact of poverty on lone parents and people with disabilities. That would be helpful. However, I will seek the committee's agreement to withdraw amendment 35, and I will not move amendment 36.

Amendment 35, by agreement, withdrawn.

Amendment 36 not moved.

Section 6 agreed to.

After section 6

Amendment 4 not moved.

The Convener: Amendment 15, in the name of Adam Tomkins, is grouped with amendments 15A, 30, 20 and 47.

Adam Tomkins: Amendment 15 would establish a poverty and inequality commission in statute. Independent scrutiny of the Government's delivery plans and progress reports with regard to child poverty will be essential if we are to succeed in our collective ambition to realise aspirations and achieve the targets that the bill sets. That scrutiny needs to be robust and will of course come from multiple sources—the Parliament itself, the third sector, and, I hope, an effective statutory commission.

It is not just me who hopes for such a commission; the whole committee does. At stage 1, we agreed unanimously that, as we said in paragraph 122 of our report, we are

“concerned that, as the Bill currently stands, there is potential for the scrutiny arrangements around tackling child poverty to be weaker than those previously in place at UK level. Therefore, the Committee believes that the establishment of a commission, on a statutory footing, with a duty to scrutinise the Scottish Ministers' delivery and progress plans is required.”

Amendments 15, 30 and 20 would give effect to the unanimous recommendation that this committee made in its stage 1 report a few weeks ago. They seek to do so as simply and straightforwardly as possible. Amendment 15 provides for the creation of the commission. Amendment 30 provides for a lengthy schedule, which makes detailed provision for a small commission and includes provisions on the commission's size, on appointments, on the period of appointment and on remuneration.

I have tried to construct the commission in a way that does not violate the fact that there is no financial resolution for the bill. As I understand it, the Presiding Officer has ruled that the amendments do not require the passing of a financial resolution for the bill. That is why the commission is relatively small—it is capped at five members—and there is no provision for the automatic remuneration of members. Remuneration is a matter for the cabinet secretary's discretion. I have tried to create a commission that does absolutely nothing to get in the way of the cabinet secretary's ambitions for a poverty and inequality commission, and the approach is designed with the limits of an absence of a financial resolution in mind.

Amendment 20 provides for the commission to have a number of statutory functions, all of which fall within the scope of the bill. I fully understand that the cabinet secretary's ambition is, in the short term, for a poverty and inequality commission that looks not only at child poverty. However, I cannot lodge an amendment to this bill that would confer on a statutory commission functions that are outwith the scope of the bill, which is about child poverty.

The functions that the commission will start with are functions relating to child poverty and the delivery plans and progress reports that the bill provides for. 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. Nothing in my amendments will in the medium term limit the commission's functions to child poverty, but of course we have to start there because we are dealing with a child poverty bill and it is essential that the amendments fall within the scope of the bill. That is why the functions that amendment 20 will confer on the commission relate to the delivery plan, the progress reports and the like.

Two amendments in the group are not in my name but in Pauline McNeill's: amendments 15A and 47. We would support both of them.

I move amendment 15.

The Convener: I call Pauline McNeill to speak to and move amendment 15A and speak to the other amendments in the group.

Pauline McNeill: My amendments were lodged following the committee's conclusion on a poverty and inequality commission, which I fully supported. I felt strongly that there should be an independent check on the Government's work by something like a commission.

There is a debate to be had about the size of the commission. I have still to be wholly convinced that Adam Tomkins's amendments on the commission's structure are right. It looked to be the right size. There were those who lobbied for a greater number of people, but I believe that the number is right.

I note that since I lodged my amendments the Government has come forward with a comprehensive and good proposal on the poverty and inequality commission that would go wider than the current proposals. It gives the committee a bit of a dilemma, because the committee, by consensus, thought that the proposals were weak without an independent check that would make Parliament paramount. I would like to hear what the cabinet secretary has to say about that.

I am very conscious that this is stage 2. No bill has to be perfect at stage 2—that is what the process is for—but it would be a mistake not to put in the bill a provision for a statutory body of some kind to be a check and balance for the child poverty targets. I will think about it over the summer, before stage 3, but the Government has to think about what might be missing from its proposals, because of course the appointments to the commission would be made by ministers, not the Parliament.

The cabinet secretary should not misconstrue what I am saying and think that I am suggesting in any fashion that the appointments the Government has made already are not good ones. The appointment of Naomi Eisenstadt was superb and she has made a massive contribution to the debate on poverty. I have quoted her on many occasions. My concern is whether the committee should leave everything to the Government, when the Government's proposal has come quite late. I am not saying that I do not welcome what has happened, but that element is missing.

At the end of the day, the committee is asked to scrutinise proposals in the bill to deal with child poverty. That is our job. I would therefore like the Government to reassure the committee that there will be an independent appraisal of the child poverty targets.

I move amendment 15A.

Ben Macpherson: I agree with the sentiment that we want to provide as robust a framework of scrutiny as we can. I appreciate that Adam Tomkins's specific proposal is an ambition to develop that criterion and that set of aspirations.

Adam Tomkins referred to paragraph 122 of the committee's stage 1 report. That recommendation refers to the committee's aspiration, at that point in time, for some statutory oversight. However, times have moved on since then. Specifically, we have been informed more about what the Scottish Government's proposal for a poverty and inequality commission would encompass. The difference that has emerged is that, whereas the recommendation at stage 1 was potentially for a statutory body to be created, we can now have a more encompassing and wide-ranging commission, and we can provide proper scrutiny at a parliamentary level. The proposals before us are quite different, now that we have more knowledge of what the Government is proposing.

My view—I will speak about this more fully in relation to my own amendments—is that Parliament should be the main scrutinising place for the eventual act, if the bill is passed by the will of Parliament. I have sought to strengthen it through the amendments that I have lodged. Unfortunately, parliamentary scrutiny cannot be put on a statutory footing, because an obligation cannot be placed on a cabinet secretary to appear before a committee. I will speak about other measures in relation to my amendments later.

We should be mindful that organisations such as Oxfam, which take a more holistic view of tackling poverty per se, rather than specifically child poverty, are in favour of keeping the remit of the poverty and inequality commission broad and wide ranging.

We now have a different proposition before us than we had at stage 1. We can now thoroughly analyse and provide robust scrutiny of the process of the proposed legislation and its implementation, and everything it encompasses. That is our role and our job as a Parliament.

As the Government has proposed, we can have a wide-ranging commission that will tackle poverty in the main, which I think is a more appealing proposition. For that reason, I am not minded to support Adam Tomkins's amendment 15 or Pauline McNeill's amendment 15A.

George Adam: I agree with much of what Ben Macpherson has said. Part of the problem I have is that the way we are doing things gets in the way. Furthermore, we could end up limiting what we do with the Child Poverty (Scotland) Bill, and not deal with that cross-section. Mr Tomkins said that we could bring something back at a later date and address it then, but that would overcomplicate

things. We could have a poverty and inequality commission that actually does something, makes a difference cross portfolio and pushes things forward.

I believe that parliamentary scrutiny would be the way to go. You already have the reports, which will be coming in year after year.

One of the other issues I have is the very idea of a poverty and inequality commission being designed by a member of the Conservative Party. In my area and areas like it, it is Conservative Party issues and decades of Conservative rule that have caused some of the poverty and inequalities in our constituencies. I find that quite difficult, and it would be difficult for me to be on that side.

We are talking about the architects of austerity. Even if you believe that the Conservative Party is like some kind of washing powder and is a new, improved brand—and if you do not even think about the decades-long devastation the Tories have caused—you would still have to consider the here and now and the effect that their Government's actions down in Westminster have been having. There has literally been an attack on the disabled; they have been attacking all the groups we have been talking about, and inequalities have become greater under the Tories. I have great difficulty with the idea of a Conservative trying to define a poverty and inequality commission.

For those two reasons alone, and given that we would be limiting the possibilities of the proposed poverty and inequality commission, I could not support any of that.

10:00

Alison Johnstone: I note that, in his response to our stage 1 report, the Children and Young People's Commissioner Scotland said:

"The Social Security Committee called for the establishment of an independent commission, on a statutory footing".

That is indeed what that report said, and there was not a dissenting voice on this committee. Nothing has happened to change that position.

When we consider legislation relating to child poverty, we have a duty to ensure that there is in place a statutory, independent body to make sure that the changes we want to see with regard to child poverty actually happen.

We are reinstating the targets that Westminster removed. That is the right thing to do and I wholeheartedly support it. However, I think there is an admission that we have not taken steps to put in place a statutory commission, and the committee has agreed that that should happen.

In its response to the stage 1 report, the Scottish Government said that Westminster simply got rid of the statutory commission. That was a mistake, but how much easier would it be to get rid of a non-statutory commission? I do not think that not establishing a statutory commission sends a great message.

Children's organisations are supportive of statutory scrutiny. Although I applaud the Government's intentions and have no doubt that it is sincere, we might not always have this Government, and some other Government might have different views. We have to consider seriously having a statutory commission.

I understand George Adam's concerns. The reason why I do not support putting attainment in the bill is that I think that attainment suffers as a result of poverty. I have no doubt that in great measure, it is tied in to Conservative welfare reform, but I am not going to conflate the two issues. The committee has a duty to ensure that the legislation is scrutinised independently by a statutory body.

Richard Leonard (Central Scotland) (Lab): Anyone listening to George Adam might be confused, because there was unanimous support on the part of members of this committee for the establishment of a statutory body.

The suggested alternatives to amendments 15 and 15A are non-statutory. The idea of a poverty and inequality commission involves having a non-statutory body. That body will have what is described as an independent chair, but that independent chair will be appointed according to governmental patronage. My issues with that are not a reflection on the present Government; they concern the principle of whether an appointment is independent, is an appointment of Government or is an appointment of Parliament.

The role that is envisaged is largely a ministerial advisory one. There will be some sort of scrutiny role as well but, on the whole, the body sounds like it will be reactive rather than proactive, as well as being non-statutory. For that reason, I am not certain that it represents a step forward compared with the committee's recommendation in its stage 1 report.

Gordon Lindhurst (Lothian) (Con): I have to agree that I do not see what has changed since the committee unanimously formed the view that having a statutory independent body was the way forward. I agree with what has just been said about the proposal. The issue is not about matters that have happened elsewhere in other fields; it is about ensuring that this bill is seen through to its proper conclusion, and the proposed form of statutory commission will do that, in my view.

Angela Constance: I appreciate the comments that have been made and the consideration that has been given to the matter by individual committee members and the committee as a whole. I am glad that members have found the five-page position paper that we published at the beginning of the week to be helpful. In response to Pauline McNeill, I am not going to read out all five pages, but the paper clearly states on page 1 that

“The Commission will be:

- Independent. It will have an independent Chair, who will determine the work programme of the Commission”.

The chair will

“appoint the Commissioners”

and the commission’s role will be to

“provide free and frank advice to Ministers on how best to reduce poverty and inequality.”

As Richard Leonard has highlighted, the Government would appoint the chair, but the committee and others in the Parliament would scrutinise that in the normal fashion. After all, someone has to appoint the chair to begin with; I do not know how we would get out of that circle, but it is important to recognise that the independent chair would then go on to make the other appointments.

As a very general remark, I point out that the bill is not just replacing legislation and targets that were removed by the UK Government; the legislation that we are instating is actually more ambitious. As we said at stage 1, the targets are more ambitious and more stretching with regard to persistent poverty, and they have been set on an after-housing-costs basis. Moreover, the Government will, as a result of the bill, be subject to far more scrutiny. Under the previous UK legislation, we would simply make a contribution to a UK-wide report, while under this bill, we will rightly be scrutinised and challenged at every step and turn of the processes that we will have to go through.

I stress, though, that I can understand why the amendments in this group have been lodged, and I will lay out the reasons why I cannot support them. I hope that my reasoning will be clear. Given the tone and tenor of the debate, I think that we might be reaching a more shared understanding and that ground is opening up that we all seem to be occupying.

I outlined at stage 1 some of my reasons for not supporting the proposed amendments. As members will know, we need to set up a commission quickly to provide advice for the first crucial delivery plan. Moreover, previous experience at UK level shows that just because a commission is statutory, that does not necessarily mean that it has a secure future.

However, for me, the key point is remit. Let me be clear about this: I want the commission to have a wide remit on poverty and inequality. I listened very carefully to the arguments in the stage 1 debate, particularly those made by Labour members, who suggested—very passionately in some cases—that a focus on all-ages poverty was needed. Reflecting on those contributions, I have some sympathy with the points made by Labour members, particularly Pauline McNeill.

I have also been listening very closely to Oxfam, which set out a compelling case for a body with a wide remit that focused on income and wealth inequality. As members will know, Oxfam published a report in April, and I have been very much persuaded by much of it. That is why a wider remit that covers all-age poverty and economic inequality is reflected in the proposals that I circulated to the committee on Monday, and I am delighted that Oxfam has offered broad support for our commission model.

I suspect—indeed, I am certainly picking this up—that members here are supportive of the idea that a poverty and inequality commission should have that wider remit. However, my real concern is that if the committee were to choose to go down the road of a statutory commission as set out in Adam Tomkins’s amendments, it would be a poverty and inequality commission in name only. As I think Mr Tomkins acknowledged in his remarks, the sole functions of a statutory commission, if delivered via this bill, would be those conferred by statute; it would not be possible to amend the bill further to give the commission functions that did not relate to child poverty.

That means that the commission would not be able to carry out functions relating to poverty or inequality matters more generally—new legislation would be needed for that. Currently, there is no bill suitable for that purpose, nor is there likely to be in the foreseeable future.

If, on the other hand, the commission is set up in the way that I propose, once it has done the work on the first delivery plan, it could turn its attention to economic inequality. Obviously, the commission will set its own work plan. It could look at the automation of benefits, the extra costs faced by disabled people and lone parents or educational inequalities. I am of course happy to discuss the future work programme with committee members, and I am confident that the independent chair will want to engage with the committee on its future work programme, but that will depend on the committee’s decision about which model of commission to support.

In short, if we set up the commission in the way that Adam Tomkins specifies, it would be a missed

opportunity to do work that I am sure that members would find extremely valuable.

I turn to value for money. Adam Tomkins verbalised his good intention of not racking up costs for the commission. Under his amendment 20, the commission would have a role in delivery plans; under amendment 47, it would have a role in progress reports; and under amendment 30, it would have an unlimited ability to draw on Scottish Government staff and resources, with up to five permanent members. Also under amendment 30, the commission could set up an unspecified number of committees as it saw fit, which means that there would be salary costs for unspecified numbers of committee members.

It struck me that Mr Tomkins's amendments propose something similar to the Scottish Fiscal Commission's legislative structure, which was set out in the Scottish Fiscal Commission Act 2016, with the same membership rules. It is estimated that the recurring costs of the Scottish Fiscal Commission will be around £850,000 per year from 2017 onwards.

The Scottish Land Commission, which was established under the Land Reform (Scotland) Act 2016, has six members, rather than the five proposed by Mr Tomkins. That act's financial memorandum set out annual costs of £1.3 million for the Scottish Land Commission.

My real concern is that, despite members' best intentions, we would end up with an expensive commission. We would also end up with a commission with a focus that was strictly limited to the bill. Under the model that I propose, the Scottish Government would be able to cover a range of core costs and the remit would be much wider, which, in my view, makes our proposition better value for money.

I am concerned that what has been proposed is an expensive statutory commission that would have a lot of down time. It would have just two delivery plans to advise on over the period to 2030, because it would not be set up in time to advise on the first one. That also makes me think that it would not be that attractive an offer for high-quality candidates who might otherwise want to be commissioners.

Although I absolutely appreciate why some people are arguing for a statutory body, I am concerned that Mr Tomkins's amendments would not deliver the wider, better-value commission that Oxfam, other partners and, I think, most of us here want and are trying to achieve.

I strongly believe in the model of commission that is reflected in my proposals. I appreciate the views and positions of committee members, but we made a manifesto commitment to set up a poverty and inequality commission and we will do

so, to make sure that we get the very best advice on the first delivery plan. Whether, after that plan is published, the commission is able to look at the wider issues that I have outlined—economic inequality, automation of benefits and disability costs—will depend entirely on the decisions that the committee now makes.

For the reasons that I have set out, I say with respect that I cannot support amendments 15, 15A, 30, 20 and 47, and I ask members instead to engage with me on the commission proposals that I have made to see how we can take them forward.

10:15

Adam Tomkins: This has been a good and useful debate on the whole. I am afraid that I have not heard anything from any member that affects or changes the core recommendation that the committee made only a few weeks ago—which it made unanimously—that

"the Committee believes that the establishment of a commission, on a statutory footing ... is required."

I believed that a statutory commission was required when I agreed to that paragraph of our stage 1 report a few weeks ago. I have listened very carefully to all the remarks that have been made, and nothing has been said to dilute or even to cast any doubt on the validity and importance of that conclusion.

Whether the commission is statutory or not is not simply a question of form; it is a question of who gets to decide what the remit of the commission is, who might serve on the commission and what the commission's functions are. Should those be questions that Parliament decides, or should they be matters that the Government privately decides, perhaps in consultation with Parliament but perhaps not?

My very strong view is that these matters should be for Parliament, not Government. It is not a case of Parliament working against Government, but Parliament working with Government. That is why it is important that the commission is on a statutory footing, not a non-statutory one.

This morning, I received a completely unsolicited email from Bruce Adamson, the Children and Young People's Commissioner Scotland—the office to which Alison Johnstone referred a few moments ago—in which he articulated his support for the amendments. I asked him whether that was a matter that I could share with the committee or whether it was a private communication, and he obviously told me that it was something that I could share with the committee, so I do so.

The amendments do nothing more than give effect to the committee's unanimous recommendation in paragraph 122 of its stage 1 report, and they are supported by the Children and Young People's Commissioner Scotland.

Pauline McNeill: I am still concerned that there is nothing that the cabinet secretary has said that the commission will do that reassures me on the issue of the independent scrutiny of the child poverty targets.

I totally support what the cabinet secretary says about the wider work that is needed. The difficulty that I have, however, is that my job today as a member of the committee is to consider the bill before us and the report that we compiled. If I am to depart from the position that I took towards the Government position, I would need to be satisfied in relation to what the committee agreed—that there should be independent statutory scrutiny. There would need to be something in what the cabinet secretary is offering the committee—a body that is Government-appointed, albeit that the commissioners will appoint other commissioners.

I reserve the right to think about the issue over the summer. I am not saying that this is my final view on the matter. The cabinet secretary will appreciate that we have only seen the vision that has been set out in the past few days. I am sure that the cabinet secretary has been in this position—we try to get our amendments in, after discussing them with colleagues and with organisations that have an interest. That work was done, and the organisations that lobbied us, including Oxfam, asked for a statutory independent commission.

I would like longer to think about the matter. On that basis, and for the purposes of stage 2, I will press my amendment 15A.

The Convener: The question is, that amendment 15A be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Johnstone, Alison (Lothian) (Green)
Leonard, Richard (Central Scotland) (Lab)
Lindhurst, Gordon (Lothian) (Con)
McNeill, Pauline (Glasgow) (Lab)
Tomkins, Adam (Glasgow) (Con)

Against

Adam, George (Paisley) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
White, Sandra (Glasgow Kelvin) (SNP)

The Convener: The result of the division is: For 5, Against 4, Abstentions 0.

Amendment 15A agreed to.

The Convener: The question is, that amendment 15, as amended, be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Johnstone, Alison (Lothian) (Green)
Leonard, Richard (Central Scotland) (Lab)
Lindhurst, Gordon (Lothian) (Con)
McNeill, Pauline (Glasgow) (Lab)
Tomkins, Adam (Glasgow) (Con)

Against

Adam, George (Paisley) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
White, Sandra (Glasgow Kelvin) (SNP)

The Convener: The result of the division is: For 5, Against 4, Abstentions 0.

Amendment 15, as amended, agreed to.

Amendment 30 moved—[Adam Tomkins].

The Convener: The question is, that amendment 30 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Johnstone, Alison (Lothian) (Green)
Leonard, Richard (Central Scotland) (Lab)
Lindhurst, Gordon (Lothian) (Con)
McNeill, Pauline (Glasgow) (Lab)
Tomkins, Adam (Glasgow) (Con)

Against

Adam, George (Paisley) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
White, Sandra (Glasgow Kelvin) (SNP)

The Convener: The result of the division is: For 5, Against 4, Abstentions 0.

Amendment 30 agreed to.

Section 7—Delivery plan

The Convener: Amendment 16, in the name of the cabinet secretary, is grouped with amendment 17.

Angela Constance: Amendments 16 and 17 are a direct response to the committee's stage 1 recommendation that delivery plans should coincide with the start of parliamentary sessions. Amendments 16 and 17 will move the end date of the first delivery plan and the start date of the second delivery plan to after the date of the next Scottish elections, which will allow a newly formed Administration to publish a delivery plan that reflects its priorities for the parliamentary session and will ensure that it is not bound by the plans of a previous Government. The end date of the

second plan, which is 31 March 2026, already falls after a Scottish election year.

That approach will also allow time to reflect on and learn from the actions taken in the previous session, and it will allow the newly formed Administration to draft a delivery plan in line with the manifesto on which it is elected and its priorities for that parliamentary session.

The changes that are outlined in amendments 16 and 17 will mean that the periods that are covered by delivery plans will be spread more evenly, with two four-year plans followed by a five-year plan. As Barnardo's Scotland said in response to our consultation on the bill,

"Extending the period covered by the proposed 'delivery plans' will also provide a more realistic timeframe in which new policies can be developed, implemented and their impact assessed."

Amending the periods covered by the delivery plans is a sensible and practical step that responds to the clear recommendations of stakeholders and the committee.

I move amendment 16.

Amendment 16 agreed to.

Amendment 17 moved—[Angela Constance]—and agreed to.

The Convener: Amendment 31, in the name of Pauline McNeill, is grouped with amendments 18, 18A to 18E, 5, 6, 8, 19, 32, 37 to 39 and 22.

Pauline McNeill: This group of amendments is about the delivery plans. The plans are at the heart of the bill; they will set out how the Government will go about reducing child poverty and what poverty measures it will take. Presumably ministers will take the necessary advice and make their own judgment before they present Parliament with a plan for what they intend to do.

Amendment 31 is intended to allow consideration of whether there should be some kind of assessment of ministerial proposals to reduce child poverty so that we can see how the Government arrived at particular proposals and decisions. It is also designed to give a bit of transparency to matters. Perhaps the Government thinks that that is already provided for in the bill, but I wanted to debate whether further transparency was possible. I wanted to see whether, when the Parliament sees the delivery plan and policy suggestions, it would be clear how the Government arrived at them. That is not to negate the fact that parties will include delivery plans in their manifesto commitments, if they believe in the idea of reducing child poverty. That is perfectly fair, but I think that there should be some transparency around how Government arrives at the decisions in relation to its delivery

plan, and amendment 31 tries to address that issue.

I move amendment 31.

Angela Constance: My amendments in this group are aimed at setting out a list of touchstone issues that we will consider when developing our delivery plans. That approach has been taken in response to evidence that was received from stakeholders during stage 1 and in response to the committee's recommendation.

The bill as introduced did not include a list of areas that delivery plans would be expected to cover, which was a departure from the approach that was taken in the Child Poverty (Scotland) Act 2010. The rationale for that departure was that the Scottish Government has committed to taking advice from a wide range of partners in developing delivery plans, which could inform their content better than a list. In particular, we are keen that our poverty and inequality commission will play a key role in advising us on the plans.

However, as we set out in our response to the committee's stage 1 report, the Scottish Government recognises that the balance of opinion that was heard from key partners during stage 1 proceedings is in favour of more detail being set out in the bill. In light of that, I have lodged amendment 18, which sets out a number of key areas where ministers must consider the scope to take action when preparing delivery plans, including the provision of financial support to parents and the provision of information, advice and assistance on social security matters and on income maximisation and other key issues that we know are related to poverty, such as education, housing, health, childcare and employment.

Of course, I would not want to suggest that that list is exhaustive, but I believe that it sets out clearly the key issues that the committee would expect me to consider, as a minimum, when preparing a delivery plan.

My amendment 22 provides that, in the context of section 7, "parent" has an extended meaning to also refer to anyone who lives with and has care of a child.

I will now turn to the amendments that were lodged by committee members in this group, some of which I am minded to support.

Ruth Maguire looks to add the issue of financial support as an area that should be included when we are considering the availability of information, advice and assistance. I can see merit in that suggestion, and I am also happy to include the word "affordability" in relation to housing and childcare. I appreciate that affordability is key in this context. Therefore, I support amendments 18B to 18D in the name of Ruth Maguire.

Similarly, I am supportive of Pauline McNeill's amendment 31, which seeks to strengthen the requirements on Scottish ministers in relation to the delivery plan by requiring ministers to explain how the measures that they propose in each plan are expected to contribute to the targets. As I made clear in our earlier discussion about interim targets, I am absolutely committed to ensuring that policies are grounded in evidence, and I would be content to make that more explicit in the bill, in the way that is proposed in amendment 31.

I will now turn to the remaining amendments in the group, which I am afraid that I cannot support. I will briefly outline my reasoning for that.

Amendment 5, in the name of Adam Tomkins, requires ministers to set out their plans to reduce the poverty-related educational attainment gap. Once again, I remind Mr Tomkins of the existing legislative duties on Scottish ministers in relation to attainment in terms of the socioeconomic duty to reduce the attainment gap, the requirement on ministers around the national improvement framework and the requirement to submit annual reports. I also point out that my amendment 18 includes education as a touchstone of the delivery plans. Furthermore, as Mr Tomkins is aware, our child poverty measurement framework, which I have committed to including in the delivery plan, contains measures relating to educational attainment.

10:30

We have already discussed this morning Adam Tomkins's views on the need for a target that is related to what he calls "workless households". As you know, I disagree with his views on that, and I do not think that a focus on workless households is helpful or appropriate. It completely ignores the fact that in-work poverty is a growing issue. His amendment 6 requires delivery plans to set out measures related to worklessness. As I said in the earlier discussion on targets, I do not agree with his workless households measure, and I therefore do not support including it in the delivery plans.

Pauline McNeill has brought forward an interesting proposal in amendments 8 and 18A, related to the automatic payment of benefits. I have spoken in detail with Ms McNeill about that, and my understanding is that her proposal is based on a pilot that is running in Glasgow, where school uniform grants can be sent out automatically to families without them having to apply for them, on the basis of other data that is held by the local authority about their entitlement. I am absolutely supportive of that idea, and I would be happy to discuss with Ms McNeill how we can take that forward to see whether the good practice from Glasgow can be rolled out elsewhere. I would also be willing to take the proposal to our local

reference group, and report back to the committee on the outcome of that discussion. However, I am unfortunately not able to support Ms McNeill's amendment 8, as I do not believe that its wording matches the intention. I would be willing to support, in principle, amendment 18A, on the basis that Ms McNeill and I can discuss matters further in advance of stage 3 to ensure that it achieves what she intends.

Amendment 38, which is also in the name of Pauline McNeill, requires Scottish ministers to set out measures that they will take in relation to single-parent households. I am reluctant to accept an amendment of this type. The measures that I will set out in delivery plans will be aimed at supporting all low-income families, and I do not think that it is appropriate to single out particular groups in that way.

Richard Leonard's amendment 39 requires a plan to set out steps to be taken in relation to setting the amount of revenue support grant that is paid to local authorities for directing resources at targets. We have heard time and time again from stakeholders that the bill needs to remain focused and that we must not overcomplicate it. With that in mind, I am sure that Mr Leonard will agree that a provision on local government funding arrangements is not an appropriate addition.

Much of Alison Johnstone's amendment 37 is similar to my amendment 18. It includes issues around income maximisation, housing, childcare and employment. I welcome those common areas of focus. Along with Pauline McNeill's amendment 32 and Ruth Maguire's amendment 18E, it attempts to require the Scottish Government to set out in a delivery plan how we plan to use social security powers.

In my view, the planning and reporting processes that are set out in the bill will be a tool to galvanise action across Government, and we will certainly be looking at how our social security plans can contribute to meeting the targets. However, I do not think that it is appropriate to require consideration of specific social security measures as part of the delivery plans. The purpose of including a list of touchstone issues is to set out a broad framework for the delivery plans; it is not to force Scottish ministers into taking particular measures such as the topping up of child benefit. I have already expressed my view that that particular measure is not sufficiently targeted.

However, in the spirit of co-operation, I would be willing on this occasion to support Ruth Maguire's amendment 18E, subject to further refinement at stage 3 to ensure that it works as intended. I hope that committee members will agree that that, along with our agreement to amendments 18A to 18D, in the names of Ms Maguire and Pauline McNeill,

represents a reasonable compromise that we can all agree on.

As the cabinet secretary with responsibility for equalities in a Government that is absolutely committed to equalities, I strongly empathise with the intention behind Jackie Baillie's equalities amendments—amendment 19 in this group and others in subsequent groups.

However, as the committee will know, the Scottish Government and the wider public sector are bound by the public sector equality duty, which is set out in the Equality Act 2010. That act makes sure that consultation and consideration of protected characteristics are built into public sector ways of working. The public sector in Scotland is also bound by the Scottish-specific equality duties that were introduced in May 2012.

Every new policy or programme requires an equality impact assessment—an EqIA—and there are strict rules about how EqIAs must be drawn up and put into the public domain. Furthermore, ministers and the public sector can be held to account by the Equality and Human Rights Commission, which is the regulator of the Equality Act 2010.

With all that in mind, I reassure Jackie Baillie that our delivery plans will be developed alongside an EqIA, which we will of course publish. We would expect local plans to be similarly supported by EqIAs. Our progress reports will have specific sections on each of the protected characteristics.

Witnesses at stage 1 stressed that the Child Poverty (Scotland) Bill is a simple framework bill that should not be overcomplicated. It is hard not to see some of the amendments as unnecessary complications when the public sector is bound by the framework of equality duties that I have described. Specifically, it is not clear what Jackie Baillie's amendments would require ministers and local organisations to do, as their reference to persons having protected characteristics lacks focus in the circumstances where every person has more than one protected characteristic—those being age and gender at the least.

However, I acknowledge that the landscape of duties is changing. We recently introduced the child rights and wellbeing impact assessment to meet our duties under the Children and Young People (Scotland) Act 2014. In addition, shortly we will consult on commencing the socioeconomic duty, which will have its own impact assessment strand. Both those offer the opportunity to strengthen our equality practice still further, and I am willing to meet Jackie Baillie to discuss those developments if that would help to reassure her on those points.

I reiterate my earlier points about our measurement framework: we will revise that in

time for the delivery plan. I also repeat my offer to take suggestions from any committee member about how that could be strengthened to best reflect some of the important issues raised in the amendments.

I urge members to support my amendments 18 and 22 and amendments 31 and 18A to 18E. I urge members to resist amendments 5, 6, 8, 19, 32 and 37 to 39.

The Convener: Thank you for those comprehensive comments. I call Ruth Maguire to speak to amendment 18B and the other amendments in the group.

Ruth Maguire: I am seeking to amend the cabinet secretary's amendment 18 to strengthen—while keeping a broad-brush approach—what should be included in the delivery plan. I am pleased that the cabinet secretary wants the plan to take account of “advice and assistance” in “social security matters” and “income maximisation”. I want to go further and include “financial support”.

The cabinet secretary's amendment 18 mentions that

“the provision of financial support”

will be considered in the delivery plan—as it should be. However, I want people to have advice and assistance on how to get that financial support, whether that be a social security benefit, a passported benefit, such as a school uniform grant or free school meals, or any other support that is available to help low-income families, whether that is provided by the UK Government, the Scottish Government, the local authority or even a local charity.

Like Alison Johnstone, I consider that it is not just the availability of childcare and housing that is important, but the affordability of childcare and housing. We can make childcare widely available, but if it is unaffordable it would effectively be inaccessible and that unaffordability would be a barrier to those on low incomes. Therefore, I welcome the increase in free childcare hours being made available by the Scottish Government. My arguments on including affordability with regard to housing are the same. We could consider the availability of housing and find that there are plenty of available mansions. That would do little to help a low-income family. It is affordability that matters.

Again, like Alison Johnstone, I want to know that, in preparing the delivery plan, new social security powers—those that we know are coming to us and any new powers that might be devolved in the future that could be considered as tools in tackling child poverty—have been considered. However, it is not necessary to be prescriptive

about what particular powers they should be, as Alison Johnstone seeks to do in her amendment 37.

My amendments are a good compromise between the cabinet secretary's amendments and Alison Johnstone's amendments. I hope that the committee and, indeed, the cabinet secretary, will support them.

Adam Tomkins: Section 7, which deals with delivery plans, is one of the most important sections in the bill. At stage 1, the committee was strongly of the view that the bill would stand or fall on the success of the delivery plans, and that section 7's provision for the plans was weak and rather skeletal.

I warmly welcome the cabinet secretary's amendment 18, which specifies a broad range of issues that delivery plans must take into account, including education and employment. The Conservatives will support that amendment. I will not move amendments 5 and 6, given the inclusion of education and employment in amendment 18, but I reserve the right to revisit the question at stage 3 to determine whether there is any form of words that could strengthen section 7 if it is amended today by amendment 18.

The Convener: I welcome Jackie Baillie MSP. I thank her for lodging an amendment and coming along.

Jackie Baillie (Dumbarton) (Lab): Thank you, convener, for allowing me to attend the committee.

The purpose of amendment 19 is to include in the delivery plan measures that take account of poverty in relation to other relevant protected characteristics.

We all know that when equality is not embedded in policy from the start, it becomes an add-on and an afterthought. Therefore, it is critical that it be in the bill. It is important for us all to remember that poverty affects different equality groups in slightly different ways, so if the cabinet secretary wants to tackle child poverty—as I know she does—we have to take that into account when developing policies and actions.

I will give an example of that. The Government's child poverty measurement framework tells us that the employment rate for parents is something like 81 per cent, but we know that the rate is significantly lower for parents from black and minority ethnic backgrounds. Therefore, actions to improve the employment rate will need a targeted approach; if our policies do not reflect the barriers that BME people or families in which there is a disabled person face, we will not succeed and inequality will continue. I suspect that there is agreement on that point; the point of difference is the mechanism by which we will achieve it.

I understand the cabinet secretary's view that amendment 19 is flawed and not correctly worded. I am, of course, happy to adjust it and will bring it back at stage 3, tightly focused so that there is no excuse for not supporting it.

I will take on the more serious argument. The notion that amendment 19 and others to which I will speak later are not necessary because we have equality impact assessments needs to be challenged. I will set out why. Under equality impact assessments, there is no duty to involve or consult people. I can find no evidence that if an equality impact assessment was poor any further action was taken in the courts or by the Equality and Human Rights Commission; no public body has been taken to court and no equality impact assessment has been challenged. Indeed, some public bodies have not submitted them but have not been taken to task for it.

I will give two examples from the Government. There is an equality impact assessment on the Child Poverty (Scotland) Bill, but it is thin; there is little specific detail about the protected characteristics. Also, the equality impact assessment on the mental health strategy has no mention of race or ethnicity, although we know that there is a differential mental health impact on BME communities. That has a consequence for policy development: the Scottish Government's publication on child poverty in Scotland does not mention ethnicity alongside characteristics that might make child poverty more likely, although we all agree that ethnicity has an impact on the level of child poverty.

Race tends to get missed off the agenda. In her report, "Shifting the Curve—A Report to the First Minister", the First Minister's independent adviser on poverty and inequality said that BME groups

"are often the most disadvantaged and ... have additional barriers to face in escaping poverty."

I recognise the cabinet secretary's commitment and I welcome her empathy, but she should take action. Amendment 19 is not an unnecessary complication; if she understands the interaction between race, disability and child poverty, she needs to have that in the bill in order to achieve the ambitious targets that she has set for herself. I am always happy to meet the cabinet secretary, but I say that I have not been persuaded by what she has told me. The proposal is sufficiently important, for all of us, to be on the face of the bill.

10:45

Alison Johnstone: Adam Tomkins has said that he will not move amendments 5 and 6; I will support all the other amendments in the group.

Jim McCormick and others have emphasised the importance of the content of the delivery plans.

At stage 1, the committee unanimously agreed that the plans should cover at least the five areas that were recommended by the end child poverty coalition. My amendment 37 would give effect to that.

The reason why amendment 37 lays out in detail the social security recommendations is that the bill defines poverty in terms of income, and we know that social security can do so much to boost the incomes of the poorest families. The dramatic falls in child poverty in the 2000s owed more to the way in which the benefits system was improved—for example, with child tax credits—than to any other factors. Setting targets in legislation is welcome and important, but urgent action to back up those targets is essential. There is good evidence to suggest, for example, that a £5 top-up to child benefit would make immediate inroads into child poverty; as we have heard, research by the University of York suggests that it could help 30,000 children to escape relative child poverty.

All members of the committee will have received a briefing yesterday from a group of organisations including the Child Poverty Action Group Scotland, the Poverty Alliance, Children in Scotland, Children 1st, the Scottish Women's Convention, the Conforti Institute and justice and peace Scotland. They all call for amendment 37 and Pauline McNeill's amendment 32 to be passed. All cite the huge inroads that the £5 top-up and other uses of social security could make. That is not to say that other things that will be covered by delivery plans could not also help to reduce child poverty. My point is simply that we know that use of some social security powers would have a large and relatively speedy impact on child poverty. That justifies including more detail on how the delivery plans should address social security than on some of the other areas that were recommended by the end child poverty coalition, and the amendment's having more detail than the cabinet secretary's amendment.

I accept that the cabinet secretary has lodged a similar amendment and I support it—in particular, the extra provisions for the delivery plans to include measures relating to the improvement of physical and mental health. However, it needs to go further than the measures that ministers are taking to provide financial support, which are quite broad. It should specifically address the social security powers that have been devolved by the Scotland Act 2016; as we saw from the Social Security (Scotland) Bill, which was introduced the day before yesterday, the current Scottish Government is starting to set up what looks like quite a radical new system, so I do not see why the cabinet secretary would not want to shout loudly and proudly about that in the delivery plans.

I make it clear that in no way would amendment 37 require—Ms Constance used the word “force”—the Scottish Government to exercise child benefit top-up powers or any other social security powers. That is very important. It requires the Scottish Government only to indicate in each delivery plan whether it intends to use those powers. If it were to decide not to use them, it would be free not to do so. The amendment is not at all prescriptive.

I whole-heartedly support Ruth Maguire's amendments, because if childcare, for example, is not affordable, it is simply not available to those who need it. I also highlight that amendment 37 specifically addresses the issue of helping parents and carers to access work that pays the Scottish living wage, which I hope the Scottish Government, with its fair work agenda, can support.

Richard Leonard: Amendment 39 is designed to make sure that greater resources go to the areas of greatest need. It is clear from the bill that local authorities, in particular, will have a critical role to play in achievement of the targets that are set in the bill.

My firm view is that more account needs to be taken of deprivation and child poverty in the revenue support grant process. Amendment 39 is very modest and gently asks ministers to consider supporting, through the local government settlement, areas that have higher levels of child poverty. The amendment is designed to help us to meet the targets by modifying the funding arrangement.

It is clear that people in poverty are more reliant on local authority services, whether that is social work services or education, through entitlement to free school meals or the school clothing grant. I do not wish to prejudice the cabinet secretary's earlier agreement to accept Pauline McNeill's amendment 18A, which is on automation of benefits payments, but if that is taken forward there will be greater pressure on the local authorities that have the highest rates of child poverty. It is clear that some local authorities, such as North Lanarkshire Council, have some way to go to achieve the target, whereas neighbouring East Dunbartonshire Council has less far to go.

Finally, the Scottish Government already takes some account of deprivation in allocation of some funding—I am thinking of attainment challenge funding. However, if we are to have a much wider-ranging approach to tackling poverty, we need more funding to be targeted at deprived areas and communities.

George Adam: I agree with other members that the delivery plans are the heart and soul of the bill and are what will make it work—it is in the name.

Amendment 18 covers many of the issues that came up during the stage 1 evidence. That brings us forward.

I support Pauline McNeill's amendments 31 and 18A, because they will add detail. The amendments are also supported by other members. I also support all the amendments that have been lodged by my colleague Ruth Maguire—amendments 18B, 18C, 18D and 18E. We need to get section 7 right. I cannot support the remaining amendments, at this stage, but we can discuss the issues at stage 3 and look at where we can go from there.

I cannot emphasise enough that getting the delivery plans right will make all the difference to whether we achieve the bill's aim.

Pauline McNeill: I welcome the cabinet secretary's agreement to accept amendment 31, which will require the Government to explain why it is taking particular measures in the delivery plan. That is very helpful.

On amendment 18A, I am particularly pleased that the Government is behind the idea that automation of benefits payments should be encouraged. I know that a lot of work needs to be done on that and that the cabinet secretary and Jeane Freeman are very keen on the idea. I will be delighted to press amendment 18A and will not move amendment 8, which would not do what I want it to do.

I will support Alison Johnstone's amendment 37 because the Labour Party believes that there is evidence to suggest that top-up of child benefit can make a dramatic difference and take children out of poverty. As Alison Johnstone pointed out, that is not to force the Government's hand, but will allow it to set out its reasons why it will support or reject that proposal.

Given the powers on top-up benefits that are coming to the Scottish Government, I wanted to ensure that the scope of consideration could be widened to all benefits. Members will know that the previous Labour Government, through the child tax benefits and the working tax credits, made a considerable difference to child poverty. I think that that should be a consideration for future governments. Amendment 32 will widen that further.

On amendment 38, I take on board the cabinet secretary's points about not setting out specific categories of groups. I have listened carefully to that, but I am still strongly of the view that, because it uses the wording,

"a person who is not a member of a couple, and ... one or more children for whom that person is responsible",

amendment 38 is tackling the issue of single parents, which is a gender issue because, as we

know, the vast majority of single parents are women. My reason for pressing amendment 38 is that, although 2030 seems to be a long way off, in policy terms it is only a short time away. I am keen for the delivery plan to set out—as, I am sure, it will—measures for what the Government will do in all sorts of areas that the committee has discussed. Single parenting is an area of policy that should be addressed in the delivery plan, so I will press the amendment for that reason.

Amendment 31 agreed to.

Amendment 18 moved—[Angela Constance].

Amendment 18A moved—[Pauline McNeill]—and agreed to.

Amendments 18B, 18C, 18D and 18E moved—[Ruth Maguire]—and agreed to.

Amendment 18, as amended, agreed to.

Amendments 5, 6 and 8 not moved.

The Convener: Amendment 19, in the name of Jackie Baillie, has been debated. Do you wish to move or not move amendment 19?

Jackie Baillie: I will not move it, but I signal my intention to bring it back at stage 3.

Amendment 19 not moved.

Amendment 32 moved—[Pauline McNeill].

The Convener: The question is, that amendment 32 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Johnstone, Alison (Lothian) (Green)
Leonard, Richard (Central Scotland) (Lab)
Lindhurst, Gordon (Lothian) (Con)
McNeill, Pauline (Glasgow) (Lab)
Tomkins, Adam (Glasgow) (Con)

Against

Adam, George (Paisley) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
White, Sandra (Glasgow Kelvin) (SNP)

The Convener: The result of the division is: For 5, Against 4, Abstentions 0.

Amendment 32 agreed to.

Amendment 37 moved—[Alison Johnstone].

The Convener: The question is, that amendment 37 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Johnstone, Alison (Lothian) (Green)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Tomkins, Adam (Glasgow) (Con)

Against

Adam, George (Paisley) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)

The Convener: The result of the division is: For 5, Against 4, Abstentions 0.

Amendment 37 agreed to.

11:00

Amendment 38 moved—[Pauline McNeill].

The Convener: The question is, that amendment 38 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Johnstone, Alison (Lothian) (Green)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Tomkins, Adam (Glasgow) (Con)

Against

Adam, George (Paisley) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)

The Convener: The result of the division is: For 5, Against 4, Abstentions 0.

Amendment 38 agreed to.

Amendment 39 moved—[Richard Leonard].

The Convener: The question is, that amendment 39 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Johnstone, Alison (Lothian) (Green)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Tomkins, Adam (Glasgow) (Con)

Against

Adam, George (Paisley) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)

The Convener: The result of the division is: For 5, Against 4, Abstentions 0.

Amendment 39 agreed to.

Amendment 20 moved—[Adam Tomkins].

The Convener: The question is, that amendment 20 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Johnstone, Alison (Lothian) (Green)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Tomkins, Adam (Glasgow) (Con)

Against

Adam, George (Paisley) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)

The Convener: The result of the division is: For 5, Against 4, Abstentions 0.

Amendment 20 agreed to.

The Convener: Amendment 40, in the name of Ben Macpherson, is grouped with amendments 41, 21, 33 and 42.

Ben Macpherson: As I stated when we debated the proposed commission, my hope for the amendment process is to establish as much parliamentary scrutiny of the eventual act as possible, if the bill is passed by the will of the Parliament. That is what my amendments 40 and 41 are intended to do.

Principally, it should be for members of the Scottish Parliament, rather than a statutory commission, to scrutinise the eventual act and hold the Government to account. We have already had the debate on the amendments on the principle of a statutory commission, but I still wish to press my amendments in order to give Parliament a greater say than it would have under the bill as drafted in the scrutiny of the eventual act, subject to the will of Parliament.

I looked to create an obligation for the cabinet secretary to appear before the committee, but that was not do-able, because statute cannot dictate the work programme of a committee. However, amendment 40, if agreed to, would create an obligation for the relevant Scottish minister to make a statement. Section 7(4)(a) already creates an obligation for the Scottish minister to

“lay the plan before the Scottish Parliament”,

but the inclusion of the obligation to make a statement would create an extra opportunity for scrutiny and, as far as I am aware from the Parliament’s drafting team, that statement could be either in the chamber or in committee, which would enhance the scrutinising function of the committee.

Through amendment 41, I want to create an obligation on the Scottish ministers to consult the Scottish Parliament during the preparation of the delivery plan, and, in statute, the Scottish Parliament encompasses the chamber and committees.

The intention behind amendments 40 and 41 is to create greater scrutiny. I hope that the committee and the cabinet secretary will support them.

I move amendment 40.

Jackie Baillie: Amendment 21 would require the Scottish ministers to consult groups with relevant protected characteristics. The arguments are very similar to the ones that I made earlier. We know that BME people and disabled people are more likely to experience poverty. Any consultation on delivery plans would therefore be inadequate without their full inclusion. The basic principle is that, if we want to get it right, we should include them in the process.

The bill requires the Scottish ministers to consult local authorities and persons and organisations that represent or work with children and parents, but there is not a requirement to engage with equality groups that are more likely to face poverty, which includes BME families. The cabinet secretary will, of course, be very familiar with the race equality framework for Scotland, which commits the Scottish Government to

“Increase participation and representation of minority ethnic individuals in governance and influence in decision making at local and national level”.

The Scottish Government believes in that, so let us put the proposal in the bill.

Alison Johnstone: Amendment 33 requires the Scottish Government to consult people with direct experience of poverty. The bill requires consultation with groups that represent poor families, which clearly have considerable experience of the challenges that we face and of how we can make inroads into poverty, but there are insights that only people with direct experience of poverty can give. The amendment is entirely consistent with the Scottish Government’s approach in establishing the new social security system—for example, 2,000 people with direct experience of the current benefits system are being consulted on that. That is the right thing to do, and the bill would benefit from a similar approach.

Pauline McNeill: Amendment 42 would require ministers to

“lay before the Scottish Parliament a draft of the delivery plan they propose to prepare.”

It says:

“The Scottish Ministers must, in the plan they prepare and lay before the Scottish Parliament in accordance with subsection (4), take account of any comments on the proposed plan expressed by the Parliament within that period”,

which would be 40 days.

The amendment’s purpose is to probe whether there should be a process for commentary by the Parliament within a certain period on what the Government proposes in the plan. The amendment is designed to allow not for approval or disapproval but for the Parliament to comment on the Government’s plans so that the Government can take account of that in its final deliberations.

Adam Tomkins: In winding up the debate on this group of amendments, would Ben Macpherson address the question whether there are any precedents in the Scottish statute book of statutory requirements on ministers to make statements to Parliament or, indeed, to consult the Scottish Parliament in drafting a report? I am all in favour of effective and robust parliamentary scrutiny of this issue and others, but I wonder whether the proposal is a novelty or whether the approach already exists in other domains in the statute book.

Angela Constance: Alison Johnstone’s amendment 33 would add people with lived experience of poverty to the list of those whom we would be required to consult on delivery plans. I whole-heartedly accept and support that amendment and echo the Poverty Alliance’s view that those with lived experience of poverty

“are experts and they should be treated as such.”

The Government has a strong record on meaningfully engaging with those with lived experience of poverty. Members may recall the fairer Scotland conversations. Some 7,000 people took part in more than 200 public events and local discussions across the country, and individuals passionately talked about what mattered most to them. Those conversations were extremely valuable and directly informed our “Fairer Scotland Action Plan”, which was published last October. In that action plan, we committed to establishing three further organisations based on the exemplary work of the Poverty Truth Commission. That commitment will ensure that people with experience of living in poverty can speak out, tackle stigma and push for change to public services. We have already made progress on that, and I will make an announcement shortly on the first of the new organisations.

I set out my concerns about Jackie Baillie’s amendments relating to equality considerations earlier, so I will not repeat those concerns in full. I note that she has acknowledged my concerns

about the drafting of her amendments. To be more specific about those concerns, the phrase

“one or more protected characteristic”

will not have the effect that specific groups will receive special attention or be targeted. We all have a gender and we all have an age so, in effect,

“one or more protected characteristic”

would apply to everyone. My concern is that her amendments will not have the impact that she desires.

I turn to amendments 40 and 41 in the name of Ben Macpherson and amendment 42 in the name of Pauline McNeill, which seek to strengthen parliamentary scrutiny of the delivery plans. I am absolutely committed to being open and transparent, and I fully expect that, when I lay before Parliament delivery plans and annual progress reports, Parliament, led by this committee, will perform its usual robust and detailed scrutiny. Nevertheless, the very nature of the delivery plans means that a number of difficult and sensitive decisions will require to be made about Government priorities and spending. Once those decisions have been made, I am more than happy to debate them fully with Parliament—indeed, I fully expect Parliament to challenge and scrutinise the proposals—but I do not think that a full parliamentary consultation, as suggested in Pauline McNeill’s amendment 42, is appropriate.

I am also concerned about the issue of timing. Amendment 42 proposes that a full 40 days—excluding any parliamentary recesses—be set aside for consultation. I have intentionally set the Scottish Government an extremely tight deadline for the first delivery plan. I hope that we would all agree that, with such a crucial issue, it is important to move as quickly as possible to make progress with the first delivery plan.

That said, I appreciate that members want the bill to include further detail on parliamentary involvement. That is why I am willing to support Ben Macpherson’s amendments 40 and 41, which require ministers to consult Parliament on the development of the delivery plan, and to make a statement upon publication of the plan. I reserve the right to consider whether the drafting needs to be refined further at stage 3 to ensure that the intentions behind the amendment are clear. In principle, though, I would be very happy to be invited to future meetings of the committee to discuss the delivery plans and I would be pleased to reflect on any written report that comes out of the committee’s considerations. It is a shame that Ben Macpherson, through his amendments, cannot confer a duty on the committee, but I want the committee to be involved in the development of the delivery plans.

For the reasons that I have set out, I support amendment 33 in the name of Alison Johnstone and amendments 40 and 41 in the name of Ben Macpherson, but I oppose amendments 21 and 42.

The Convener: I invite Ben Macpherson to press or withdraw amendment 40.

Ben Macpherson: I will be as succinct as possible. I reiterate that the overriding intention behind amendments 40 and 41 is to promote as much consultation and opportunity to scrutinise as possible.

The proposal in amendment 41 to create an obligation to consult the Scottish Parliament during the preparation of the delivery plan reflects section 7(4), which requires the plan to be laid before Parliament. To answer Adam Tomkins’s question, there is consistency in that measure.

As I set out, my ambition was for there to be an obligation on ministers to appear before the committee. However, the legislation team advised that that was not possible. The Climate Change (Scotland) Act 2009 includes duties on ministers to make statements to Parliament after lodging reports et cetera, so there is a precedent there, which is why I intend to press amendment 40.

Amendment 40 agreed to.

Amendment 41 moved—[Ben Macpherson]—and agreed to.

The Convener: Amendment 21, in the name of Jackie Baillie, has already been debated with amendment 40.

Jackie Baillie: I will not move amendment 21, but I will bring back a similar amendment at stage 3.

Amendment 21 not moved.

Amendment 33 moved—[Alison Johnstone]—and agreed to.

11:15

Amendment 22 moved—[Angela Constance]—and agreed to.

Amendment 42 not moved.

Section 7, as amended, agreed to.

Section 8—Progress Report

The Convener: Amendment 43, in the name of Pauline McNeill, is grouped with amendment 48.

Pauline McNeill: This group of amendments deals with the reporting year for the delivery plan. Amendment 43 is designed to replace the current wording—which says that the Government can present the report when “reasonably

practicable”—with a deadline of no more than three months for the Government to present the report. I am interested to hear what the cabinet secretary has to say about that. I want to ensure that the Government cannot repeatedly put off publishing the report. I am not sure what the term “reasonably practicable” means.

Amendment 34 aims to complete Jackie Baillie’s amendment to ensure—

The Convener: We have not got there yet. It is very confusing.

Pauline McNeill: Okay.

I move amendment 43.

The Convener: Time has run away with us, so we will not deal with any more groups of amendments today. We will have to come back to those. I ask members to make succinct points.

Ben Macpherson: I will be very succinct, convener.

As with amendment 40, which was to section 7, amendment 48 seeks to create an obligation for the relevant minister to make a statement. As I suggested earlier, the statement could be to the full Parliament or to a committee. The aim is to increase scrutiny and give the committee as strong a role as possible in the scrutinising of progress reports.

Angela Constance: I appreciate the rationale behind both amendments. Pauline McNeill’s amendment 43 clarifies that annual progress reports must be published within three months of the end of the reporting year. It is my intention to publish them as soon as possible and I am therefore content for that additional detail to be set out in the bill.

However, the final progress report—the report for the year 2030-31—setting out whether the targets for that year have been met will not be able to be published until the statistics relevant to that year are available. I will therefore support the amendment today, with a view to refining a draft amendment in time for stage 3 to make clear that the final report will be prepared as soon as reasonably practicable after the end of the reporting year.

Ben Macpherson’s suggestion that we make a statement on laying the annual progress report is also welcome. As I set out in our discussions of the amendments relating to delivery plans, I fully expect Parliament to carry out robust and detailed scrutiny of all our work under the bill. Therefore, I see no difficulty in giving a statement to Parliament if the committee considers such a requirement to be appropriate.

I agree with the policy behind amendment 48 but, if it is agreed to today, I propose to lodge an

adjusted amendment at stage 3 to make it clear that the statement is to be made to the Parliament and that it should relate to the progress reports.

I support amendments 43 and 48.

Pauline McNeill: I am happy to hear that. I will press the amendment.

Amendment 43 agreed to.

The Convener: We will not finish stage 2 today, and I do not want to start another group and have to stop halfway through. We will not come to a vote on Ben Macpherson’s amendment 48 until later.

Jackie Baillie: I accept what you say about moving business, convener. I have an amendment in the very last group and I understand that the committee is meeting on Monday and Thursday next week. I am on other committee business on Monday and I convene a committee that meets on Thursday. Could I formally withdraw amendment 27, given that the minister will object to it on the same basis as she has objected to my other similar amendments, which is that it is too widely drafted? I will lodge a redrafted amendment at stage 3.

The Convener: We are going to go through the rest of the amendments next Thursday, rather than Monday. However, as you have said that you cannot attend the committee on Thursday, I will check with the clerks whether you can formally withdraw the amendment or whether another committee member can withdraw it on your behalf on the day. Thank you for your understanding.

Meeting closed at 11:21.

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