

Fair Start Scotland

Children's Rights and Welfare Impact Assessment

May 2018



Scottish Government
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CRWIA front sheet

<p>Policy/measure</p> <p>A general description of the policy/measure</p>	<p>New powers to provide employment support for disabled people and those at risk of long-term unemployment have been devolved to Scotland. From 3 April 2018, Fair Start Scotland (FSS) will provide support, work experience and training to help Scotland's people find work and stay in work.</p> <p>Key features of Fair Start Scotland are:-</p> <ul style="list-style-type: none"> • The Service will be voluntary • High quality customer assessment/diagnosis which looks at the life circumstances of the individual; • A service focused on supporting those facing multiple and complex barriers to work; • A personalised service, delivered by a skilled workforce, which seeks to ensure customers receive the support necessary to help them • Maintains support for both employer and customer once they enter work to increase sustainability; • Highly effective employer engagement; • Effective partnership working, particularly at a local level; and • Integration and alignment of services.
<p>Project initiation document</p> <p>Add link to the document</p>	<p>No Project Initiation document was created-A Full Business Case was carried out and provided justification for the Introduction of Fair Start Scotland.</p>
<p>Initiating department</p> <p>The responsible team or division. If this is a cross-cutting policy, name the team that has overall responsibility</p>	<p>Employability Division, Fair Work, Employability & Skills Directorate, Scottish Government.</p>
<p>Policy aims</p> <p>What the policy or measure is trying to achieve; what are the expected outcomes</p>	<p>Employability plays an essential role in delivering the Scottish Government's aims of tackling poverty, promoting inclusive growth, social justice and creating a fair and prosperous Scotland.</p> <p>Fair Start Scotland follows our one year transitional programmes: Work First Scotland and Work Able Scotland.</p> <p>The service, which is voluntary, aims to support participants who are significantly disadvantaged in the labour market and who are</p>

	<p>assessed as having a realistic prospect of securing and sustaining work during their time on the Service.</p> <p>Our aim is to support a minimum of 38,000 starts on the service over the three-year referral period. Scottish Government will produce quarterly statistics on referrals and starts on the service. This will also include statistical data on job outcomes as participants progress within the service.</p>
<p>Timetable</p> <p>What is the time frame for a policy announcement/consultation/implementation?</p>	<p>From July to October 2015, the Scottish Government undertook an extensive consultation on the devolution of employment support. More than 70 events were organised by user and stakeholder groups throughout Scotland. The consultation closed on 9 October 2015.</p> <p>The Scottish Government subsequently published its response to the consultation, Creating a Fairer Scotland: A New Future for Employability Support in Scotland, on the 22 March 2016.</p> <p>Our transitional services, Work Able Scotland and Work First Scotland went live on 2 April 2017 and closed to referrals on 9 March 2018.</p> <p>Fair Start Scotland was launched on 3 April 2018.</p>
<p>Date</p>	<p>April 2018</p>
<p>Signature</p>	<p>Greig Chisholm</p>

CRWIA Stage 2

Scoping - key questions

1. What children's rights are likely to be affected by the policy/measure?

Fair Start Scotland may impact positively on some of the articles below. The service aims to reach out to those furthest from the labour market, including those with protected characteristics, e.g. those living within lowest 15% Scotland Index of Multiple Deprivation (SIMD), disabled people, lone parents, Minority Ethnic and other groups. By supporting those groups in to sustained employment, Fair Start Scotland will have a positive effect by increasing families income and will improve the life chances of children and young people including impacting on child poverty within Scotland.

Fair Start Scotland will also affect some young people directly; 16 & 17 year olds who are either disabled or in receipt of Employment Support Allowance can access immediate entry to Fair Start Scotland. The support provided for this group aims to have a direct impact on this relatively small cohort.

Our success in addressing discrimination in the employment outcomes of those groups will be assessed through regular assessment of management information and regular evaluation of wider aspects of the service. Positive impacts in these areas are likely to include articles 2 and 3, non-discrimination and best interests of the child, and arguably, others listed below;

Article 2 – Non-discrimination: Children should not be discriminated against in the enjoyment of their rights. No child should be discriminated against because of the situation or status of their parent/carer(s).

Article 3 – Best interests of the child: Every decision and action taken relating to a child must be in their best interests. Governments must take all appropriate legislative and administrative measures to ensure that children have the protection and care necessary for their wellbeing - and that the institutions, services and facilities responsible for their care and protection conform with established standards.

Article 4 – Protection of rights: Governments should undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognised in the UNCRC. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of the available resources.

Article 6 – Life, survival and development: Every child has a right to life and to develop to their full potential.

Article 16 – Right to Privacy: Every child has a right to privacy. The law should protect the child's private, home and family life, and correspondence.

Article 26-Right to Social Security: Every child should get financial support from the State when their parents or guardians are unable to provide them with a good enough standard of living by themselves.

Article 28(2) – Right to education: Every child has the right to an education. Discipline in schools must respect children's dignity.

Article 40 – Juvenile justice: Governments must establish a minimum age of criminal responsibility. Wherever appropriate and desirable, measures for dealing with children without resorting to judicial proceedings should be used (providing that human rights are fully respected). A child accused or convicted of breaking the law must be treated with dignity and respect, in a manner which takes into account the aim of promoting the child's reintegration into society. They have the right to legal assistance and a fair trial that takes account of their age or situation. Governments must ensure that the child's privacy is fully respected at all times.

Article 42 – knowledge of rights: Governments undertake to make the principles and provisions of the UNCRC widely known, by appropriate and active means, to adults and children alike

2. How will the policy/measure affect children's wellbeing as defined by the wellbeing indicators?

- **Safe** – protected from abuse, neglect or harm at home, at school and in the community.
- **Healthy** – having the highest attainable standards of physical and mental health, access to suitable healthcare, and support in learning to make healthy and safe choices.
- **Achieving** – being supported and guided in learning and in the development of skills, confidence and self-esteem, at home, in school and in the community.
- **Nurtured** – having a nurturing place to live in a family setting, with additional help if needed, or, where this is not possible, in a suitable care setting.
- **Active** – having opportunities to take part in activities such as play, recreation and sport, which contribute to healthy growth and development, at home, in school and in the community.
- **Respected** – having the opportunity, along with carers, to be heard and involved in decisions that affect them.
- **Responsible** – having opportunities and encouragement to play active and responsible roles at home, in school and in the community, and where necessary, having appropriate guidance and supervision, being involved in decisions that affect them.
- **Included** – helping to overcome social, education, physical and economic inequalities, and being accepted as part of the community in which they live and learn

As set out in section 1 (above), successful delivery of Fair Start Scotland will help to support those who are currently further from the labour market in to sustainable employment and will be important for lifting families out of poverty. This will contribute to the Scottish Government's aim of treating people with dignity, fairness and respect.

Understanding those drivers of inequality and taking action to address them is key to the success of the service. In doing so Fair Start Scotland will contribute positively to the life chances and experiences of children and young people, and consequently their wellbeing.

3. How many children and young people are likely to be affected by the policy or measure?

By supporting a minimum of 38,000 on the service, it is estimated that around 7,000 children could be lifted out of relative poverty.

4. What research evidence is available?

Evaluation and research of the employment support 2017 transitional services Work For Scotland (WFS) and Work Able Scotland (WAS) have been conducted. In addition an Outline Business Case (OBC) and subsequently Full Business Case (FBC) was completed in October 2017. Fair Start Scotland has undergone an Equality Impact Assessment and Business Regulation Impact Assessment, which provides detail on how the service impacts on business and groups with protected characteristics.

5. Has there been any public or stakeholder consultations on the policy/measure?

From July to October 2015, the Scottish Government undertook an extensive consultation on the devolution of employment support. In line with the Scottish Government's wider commitment to hear directly from those who are impacted on policy decisions user and stakeholder engagement, more than 70 events were organised by groups throughout Scotland. The consultation was closed to respondents on 9th October 2015.

Equality groups and a range of other interested parties were encouraged to participate in the consultative approach and contribute to the events held throughout Scotland. Poverty Action Scotland, Close the Gap Scotland, Scottish Refugee Council, Capability Scotland, RNIB and One Parent Families Scotland were represented at the events.

Existing and prospective training providers and employers were also included and attended as part of the consultation process, along with representation from other third sector areas such as Scottish Council for Voluntary Organisations, Scottish Union for Supported Employment, CEMVO (Council of Ethnic Minority Voluntary Organisation) and Health Scotland.

A total of 215 responses to the consultation were received and then independently analysed by Rocket Science, an organisation offering consultancy and evaluation services with particular expertise in employability and training. The report, published on the Employability in Scotland website, can be accessed here:

http://www.employabilityinscotland.com/media/521504/creating_a_fairer_scotland_-_employability_support_-_analysis_of_responses.pdf

Rocket Science identified six key messages from the responses. Three relate to the features of a Scottish Approach and three to the design and delivery of the replacement programmes within this. Respondents believed that the 'Scottish Approach' to employability support should:

- Provide a flexible, tailored, 'whole person' approach;
- Be designed and delivered in partnership; and
- Reflect a drive towards real jobs.

6. Has there been any estimate of the resource implications of the policy/measure?

Fair Start Scotland has an estimated budget of £96m over the period 2018-2021, based on the indicative settlement from the UK Government through the Fiscal Framework and the SNP Manifesto commitment provide an additional £20m per annum;

- Resources were prioritised on hardest to help clients, based on assumptions on their level of need and the costs of supporting them into sustained employment.

The Outline Business Case was cleared by Programme Board in January 2017, with the Full Business Case achieving sign off in October 2017.

CRWIA Stage 3

Data Collection, Evidence Gathering, Involvement of/Consultation with Stakeholder Groups - key questions

1. What does the evidence tell you?

Evidence was gathered from evaluation of the transitional employment services: Work For Scotland and Work Able Scotland. Evidence of the broader impact of employability support on particular groups has also been collected from many other sources such as the Race Equality Action Plan, the Scottish Parliament inquiry in to Ethnicity in Work, the Disability Action Plan, the independent Poverty Adviser and Scottish Government's Child Poverty Action Plan

In respect of children and young people; the data also shows that child poverty is more prevalent for those children living in households with a disabled person - with 30% of children in households with someone disabled in poverty compared to 20% of children in households where no-one is disabled.¹

Minority Ethnic groups have higher rates of unemployment than employment rates for ethnic minorities in Scotland are on average* about 15 percentage points lower than those for the white population. The difference is driven mainly by much lower employment rates for minority ethnic women, which are typically below 50% (about 24 percentage points lower than white women). In contrast, the difference for minority men on average is around 6 percentage points.²

The Economy, Jobs and Fair Work Committee conducted an inquiry into the Gender Pay Gap from March until June 2017, publishing its [report](#) on 27 June 2017. A number of issues raised during the inquiry are relevant, including the concentration of women in low-paying sectors, which directly impacts poverty levels in Scotland and, in particular, child poverty levels in households where the mother is the sole earner. Women make up 60 per cent of the low-paid workforce in the UK and in Scotland, 20 per cent of women earn less than the living wage, compared with 14 per cent of men³. Tackling issues of low pay would impact on the gender pay gap, but would also likely impact the children of women working in low-paid jobs, with a potentially positive impact for children in such family groups.

Further data and reports from the Independent Poverty Advisor, Race Equality Action Plan, the Parliamentary Enquiry on Ethnicity in Work, Disability and Child Poverty studies have all assisted with the scope and subsequent design of Fair Start Scotland.

The evidence gathered suggests that the groups mentioned above suffer inequality and disadvantage in the labour market. Consequently, those with families struggle to gain sustainable employment and consequently have higher than average levels of poverty. Fair Start Scotland aims to address those inequalities and this will have a positive impact on children and young people within those groups.

¹ Analysis: Disability in Scotland - <http://www.gov.scot/Publications/2014/03/7340/24>

² 2011 Census and Scottish Government Economic Strategy

³ <http://www.gov.scot/Topics/People/Equality/Equalities/DataGrid/Religion>

2. What further data or evidence is required?

A full Equality Impact Assessment has been conducted on Fair Start Scotland. Data was gathered on the likely demographic composition of participants on the service as well as data on those groups with protected characteristics. Data was gathered using Labour Force Survey Oct-Dec 2017, The Office of National Statistics (ONS) 2017, the annual population survey and latest Census data.

The Scottish Government is committed to a continuous improvement approach to employment support services in Scotland and will incorporate a 'whole system' approach to Fair Start Scotland evaluation, that will place the experience and views of individual participants at the centre of research activity and reporting. It is anticipated that this will be gathered through a mix of quantitative and qualitative methods and from both externally commissioned and in-house research and analysis activities.

The Scottish Government aims to produce an initial review of the first 6 months of service delivery (due in early 2019), followed by a programme of annual evaluation reports (ready for publication in Autumn each year). The annual reports will build a picture of Fair Start Scotland service delivery and participation over time and will include evaluation of FSS processes, outcomes and longer term impacts. From those evaluations the Scottish Government will measure and assess how the service is delivering against our ambitions for Inclusive Growth and in our aim to reduce child poverty.

3. Has there been any consultation on the development of the proposal(s)?

Sec 5 in stage 2 provides detail on Scottish Government's consultation with a wide range of public bodies, providers and key stakeholders. The service is aimed primarily at adults (with the exception of a small number of 16/17 year olds- (see section 3; stage 4 of this assessment)

4. Should children and young people be further involved in the development of this policy? Are there particular groups of children and young people whose views should be sought?

The primary focus of Fair Start Scotland is supporting adults who are further from the labour market in to sustained employment, however, we will also engage with the 16 and 17 year old group-who can access immediate entry to Fair Start Scotland (those disabled or in receipt of Employment Support Allowance) during analysis of the service.

5. Should other stakeholders and experts be further involved in the development of this policy?

The Scottish Government consulted with private, public and third sector organisations, to shape employment services under new devolved powers, from our transitional employment services to Fair Start Scotland. We will continue to engage with key stakeholders and partners as part of our governance arrangements for FSS

and we have committed to a continuous improvement approach. Through this, we will use the evaluation and management data collected through our evaluation and our governance networks to improve and help shape future delivery of employability services.

CRWIA Stage 4 Assessing the Impact and Presenting Options - key questions

1. What likely impact will the policy have on children's rights?

Fair Start Scotland aims to support a minimum of 38,000 participants over the three year period. Analysis has estimated that this may positively impact 7,000 children of families in this period, by lifting them out of relative poverty. By doing so, children's life chances are positively affected as families circumstances are improved through participation in sustainable work. This will contribute to Inclusive Growth and help to tackle economic and social inequalities. It is accepted that as poverty rates fall, physical and mental health rates are likely to improve.

Fair Start Scotland may impact positively on some of the articles below; The service aims to reach out to those furthest from the labour market, including those with protected characteristics, e.g. those living within lowest 15% Scotland Index of Multiple Deprivation (SIMD), lone parents and other groups. Addressing discrimination in the employment sector of those groups and others such as disabled groups and minority ethnic groups is a performance indicator within the service. Successful outcomes in these areas may positively impact on wellbeing indicators and several articles, including 2 and 3, non-discrimination and best interests of the child. The positive impact of moving those groups in to employment will improve the life chances and wellbeing of children and young people within those families.

Article 2 – Non-discrimination: Children should not be discriminated against in the enjoyment of their rights. No child should be discriminated against because of the situation or status of their parent/carer(s).

Article 3 – Best interests of the child: Every decision and action taken relating to a child must be in their best interests. Governments must take all appropriate legislative and administrative measures to ensure that children have the protection and care necessary for their wellbeing - and that the institutions, services and facilities responsible for their care and protection conform with established standards.

2 How will the policy/measure contribute to the wellbeing of children and young people?

By supporting those further from the labour market in to sustained employment, Successful delivery of Fair Start Scotland will improve the lives of families living in poverty and consequently improve the life chances of children and young people.

The Scottish Government is committed to ending child poverty. The Child Poverty Act (Scotland) 2017 requires the Scottish Government to reduce the number of children who live in poverty. By 2030, these targets must be met:

- Fewer than 10% of children living in families in **relative poverty**. This means fewer than one in ten children living in households on low incomes, compared to the average UK household.
- Fewer than 5% of children living in families in **absolute poverty**. This means fewer than one in twenty children living in households where living standards are not increasing.
- Fewer than 5% of children living in families living in **combined low income and material deprivation**. This means fewer than one in twenty children living in low income households who can't afford basic essential goods and services.
- Fewer than 5% of children living in families in **persistent poverty**. This means fewer than one in twenty children living in households in poverty for three years out of four.

All these targets are set on an 'after housing costs' basis – in other words, the income families have left after they've paid for housing.

The Tackling Child Poverty Delivery Plan- "Every Child Every Chance" announced on 29 April 2018 is for 2018-22. It sets out new and existing policies and proposals to progress towards these targets. Fair Start Scotland is one of Scottish Government's existing policy interventions aimed at positively impacting on child poverty, and meeting the challenging targets.

3. Are some children and young people more likely to be affected than others?

Fair Start Scotland may affect some young people more than others; the service allows early entry to several groups such as disabled, lone parents and minority ethnic groups who statistically suffer higher poverty rates. In particular 16 & 17 year olds who are either disabled or in receipt of Employment Support Allowance are a group who can access immediate entry to Fair Start Scotland. As this is direct support for this group of young people, it is more likely the impact of the service will be greater for this relatively small cohort within Fair Start Scotland.

The Institute for Fiscal Studies (IFS) report 2017 projects a large increase in relative child poverty Before Housing Costs (BHC), from 17.8% in 2015–16 to 25.7% in 2020–21.

In addition poverty rates vary by ethnicity, but poverty rates for all people from minority ethnic (non-white) groups are higher than for the 'White - British' group. Over a third (34%) of people in minority ethnic groups were in poverty, compared with 17% of people from the „White – British“ group. Within this, poverty was 26% for 'White - other' groups; 30% for 'Asian/Asian British' people; and 37% for 'Mixed, Black / Black British, Chinese & Other' people.

Because of small sample sizes for ethnic minorities within the statistics collected, we are unable to provide separate analysis for minority ethnic children.

Poverty rates are higher than average for households with a disabled child: in 2014/15, 27% of households with a disabled child were in poverty, compared with 18% of those without.

Data published by the Coalition to End Child Poverty in November 2016 highlighted the varying degrees which this national average affects Local Authority areas; for example, 34% were living in poverty in Glasgow, compared to 11% in Shetland.

4. Resource implications of policy modification or mitigation

If recommending any changes to the policy/measure, include estimates of cost implications

N/A

5. How does the policy/measure promote or impede the implementation of the UNCRC and other relevant human rights standards?

This will inform Scottish Ministers' duty to report to Parliament on children's rights under the Children and Young People (Scotland) Act 2014.

Fair Start Scotland will be implemented in a way which complements children's rights under the UNCRC, specifically the following articles;

Article 2: Non-discrimination

Article 3: Best interests of the child

Article 4: Protection of rights

Article 26; Benefit from Social Security

?

CRWIA Stage 5

Recommendations, Monitoring and Review - key points

1. Record your overall conclusions from the CRWIA

As outlined in the CRWIA Fair Start Scotland is being introduced to support employment services for those furthest from the labour market. By supporting people into sustainable employment Scottish Government will use Fair Start Scotland as one of several drivers and initiatives on tackling inequalities in the labour market and delivering inclusive growth for all, e.g. work on halving the Disability Employment Gap, and The Child Poverty Delivery Plan which will tackle child poverty and reduce poverty amongst children. Fair Start Scotland will be a driver to success in achieving those targets.

2. Recommendations

Fair Start Scotland may have some positive impacts on children and young people, particularly those living in poverty.

Consistent with the CRWIA, there is a rationale for the Scottish Government to proceed with Fair Start Scotland because it will serve, along with other direct interventions, to focus the Scottish Government's efforts to tackle child poverty and improve the life chances of Scotland's children and young people.

Fair Start Scotland is compatible with, and complementary to the intentions of the UNCRC and meets the recommendations outlined.

3. How will the policy/measure be monitored? Date and agreed process for monitoring and review

Management Information will be obtained from Fair Start Providers and DWP, Contract Performance meetings will be held with providers and Government Officials, to monitor progress and delivery of the service and measure the impact of the service against the Delivery Plans.

Scottish Government aims to produce an initial review of the first 6 months of service delivery (due in early 2019), followed by a programme of annual evaluation reports (ready for publication in September of each year). The annual reports will build a picture of Fair Start Scotland service delivery and participation over time and will include evaluation of FSS processes, outcomes and longer term impacts. From those evaluations Scottish Government will measure and assess how the service is delivering Inclusive Growth and in its aim to reduce child poverty.

Reports on delivery of the service will be closely monitored by Ministers.

Evaluation of the service will provide data on the impact Fair Start Scotland is having on families and young people.

4. Date and agreed process for Child Rights and Wellbeing Impact Evaluation

As detailed in 3 above



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