

# **The Education (Scotland) Act 1980 (Modification) Regulations 2021**

**Child Rights and Wellbeing Impact  
Assessment - Stage 3**

**March 2022**



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## **Child Rights and Wellbeing Impact Assessment - Stage 3**

CRWIA title: Free School Lunches - The Education (Scotland) Act 1980 (Modification) Regulations 2021

Date of publication: 19 May 2021

### **Executive Summary**

This Child Rights and Wellbeing Impact Assessment (CRWIA) considered the potential impact to children and young people of the provision in the above regulation which seeks to maintain access to the passported benefit of free school lunches for families in receipt of either both Child Tax Credit and Working Tax Credit or Universal Credit.

### **Background**

This has arisen as a result of a change in National Living Wage and some families could have lost their eligibility to free school lunches as a result of exceeding the earnings threshold for those in receipt of both Child Tax Credit and Working Tax Credit, or Universal Credit, if no action had been taken. All of the other eligibility criteria will remain unchanged, so they are not affected by this issue.

### **Scope of the CRWIA, identifying the children and young people affected by the policy, and summarising the evidence base**

Although the qualifying criteria in these circumstances relate to the circumstances of parents and carers, it is children and young people who receive free school lunches. These changes would potentially only affect children and young people whose family receive free school lunches as a result of being in receipt of either both Child Tax Credit and Working Tax Credit, or Universal Credit, and who are earning below the amount set out in the eligibility criteria.

### **Children and young people's views and experiences**

Children and young people's views were not established in relation to this very specific proposed change, as the policy change seeks to respond to an unintended consequence which may have negatively affected their entitlement.

At the start of the 2018-19 school year, the Scottish Government had written to local authorities asking them to continue providing free school lunches to families who qualified for them through being in receipt of both Child Tax Credit and Working Tax Credit. In 2019 and 2020, Ministers made subordinate legislation that increased the free school lunches eligibility threshold in line with increases to the National Living Wage in those years. This statutory instrument will further increase the eligibility threshold to take account of the latest increase to the National Living Wage which took effect in April 2021.

This statutory instrument affects families receiving free school lunches through being in receipt of either both Child Tax Credit and Working Tax Credit or Universal Credit. All other eligibility criteria will remain the same.

### **Key Findings, including an assessment of the impact on children's rights, and how the measure will contribute to children's wellbeing**

The CRWIA found that the action proposed via these Regulations will continue to secure access to the passported benefit, however as a result of measures already in place, no negative or positive benefit will arise from this particular action, as it seeks to maintain a previously held entitlement.

It was confirmed by this and the Equality Impact Assessment process that lone parents, some ethnic minority and religious groups were more likely to experience poverty than others and consequently, may positively benefit, if they were in these particular circumstances.

### **Monitoring and review**

Free school lunches implementation will continue to be monitored annually through statistical analysis. This particular provision was first reviewed in 2019, and it will continue to be reviewed annually in order to take account of any future increases to the National Living Wage.

### **Legislation**

The Education (Scotland) Act 1980 (Modification) Regulations 2021

### **Aims of this measure**

To continue to secure access to the passported benefit of free school lunches eligibility for people in receipt of both Child Tax Credit and Working Tax Credit and earning up to £7,500, and to continue to secure access to the passported benefit of free school lunches eligibility for people in receipt of Universal Credit and earning up to £625 per month.

### **People this measure is likely to impact upon**

Some children and young people affected by poverty, in particular circumstances.

### **Compliance with UNCRC requirements**

This measure supports the delivery of Article 2, Article 18(3), and Article 27(1)-(3).

### **Contribution to local duties to safeguard, support and promote child wellbeing**

This supports children and young people's health and wellbeing through the provision of high quality, nutritious food.

## **CRWIA Declaration**

### **Authorisation**

Policy lead: Douglas Forrester; Support and Wellbeing Unit; Improvement, Attainment and Wellbeing Division

Deputy Director or equivalent: Alison Taylor; Deputy Director; Improvement, Attainment and Wellbeing Division

Date: 19 May 2021



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