

Child Rights and Wellbeing Impact Assessment for The Education (Scotland) Act 1980 (Modification) Regulations 2024

May 2024

Child Rights and Wellbeing Impact Assessment (CRWIA) for The Education (Scotland) Act 1980 (Modification) Regulations 2024

Disclaimer

This impact assessment should be read in conjunction with the Equality Impact Assessment relating to The Education (Scotland) Act 1980 (Modification) Regulations 2024.

CRWIA Stage 1 - Screening

1. Brief Summary

Free School Meals - The Education (Scotland) Act 1980 (Modification) Regulations 2024. The amendments made by these Regulations seek to maintain the eligibility to the passported benefit of free school meals for people currently eligible to receive them through being in receipt of either both Child Tax Credit and Working Tax Credit, or Universal Credit.

As a result of changes to the National Living Wage from 1 April 2024 any family previously qualifying for free school meals, through being in receipt of either of those benefits, would be at risk of losing their entitlement as their earnings would be above the existing maximum income level of £8,717 per year if they were in receipt of both Child Tax Credit and Working Tax Credit, or £726 per month if they were in receipt of Universal Credit.

This Regulation increases these maximum income levels following the latest annual increase of the National Living Wage from 1 April 2024. Therefore, aligning costs to keep the thresholds in line with the National Living Wage to continue the existing policy.

Start date of relevant proposal drafting: 31 January 2024

Start date of CRWIA process: 31 January 2024

2. Which aspects of the relevant proposal will affect children and young people up to the age of 18?

The particular eligibility criteria which is the subject of this change is related to the financial circumstances of parents and carers. However, children and young people are the beneficiaries of free school meals entitlement. This policy affects pupils in all those age groups who are not universally entitled to free school meals.

If these Regulations were not taken forward, and the maximum income levels for eligibility remained at their current levels of £8,717 per year for recipients of both Child Tax Credit and Working Tax Credit, or £726 per month of earned income for recipients of Universal Credit, there would be a direct risk that some children and young people could lose their entitlement to free school meals.

There are a number of qualifying criteria through which free school meals are provided - this change relates to two of these criteria (qualifying through being in receipt of both Child Tax Credit and Working Tax Credit or Universal Credit).

3. Which groups of children and young people will be affected by the relevant proposal?

Free School Meal entitlement is an anti-poverty measure, so it is likely that children and young people whose families are most impacted by poverty would be affected.

Declaration

4. Is a Stage 2 Children's Rights and Wellbeing Impact Assessment required?

- Stage 2 required No explanation required, please complete questions 5 and 6
- Stage 2 not required Please explain why below and contact the children's rights unit to discuss this decision crwia@gov.scot

Explanation why Stage 2 is not required:

This Regulation does not introduce a new policy, its function is to amend an existing policy. Under the provisions of Section 53 of the Education (Scotland) Act 1980, education authorities already have a statutory duty to provide free school meals to pupils whose families meet the eligibility criteria set out in legislation.

This Regulation amends the eligibility criteria to protect the entitlement of free school meals to families who currently receive them through being in receipt of either both Child Tax Credit and Working Tax Credit or Universal Credit by increasing the maximum eligible income levels in line with the most recent increase in the National Living Wage. Therefore this Regulation is intended to ensure the same levels of eligibility are maintained for people in receipt of those qualifying benefits.

The policy of increasing thresholds annually in line with the National Living wage has been ongoing since 2019 and, since this Regulation is simply a continuation of this policy, we do not believe a Stage 2 Child Rights and Wellbeing Impact Assessment is required in this instance.

5. Sign & Date

Policy Lead Signature & Date of Sign Off: Douglas Forrester, 8 April 2024

Deputy Director Signature & Date of Sign Off: Alison Taylor, 8 April 2024



© Crown copyright 2024

OGL

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-83601-199-6 (web only)

Published by The Scottish Government, May 2024

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS1449038 (05/24)

W W W . g o v . s c o t