

Cross Party Group on Children and Young People
Thursday 29 September 2011
12:30-14:00 Committee Room 2

Attendees:

Marco Biagi MSP
Fiona McLeod MSP
Roderick Campbell MSP
Kezia Dugdale MSP

Laura Baigrie, CLIC Sargent
Jeni Bainbridge, Children in Scotland
Mark Ballard, Barnardo's
Margaret Barclay, CCNUK
David Bradwell, Church of Scotland
Karen Tsz Hing Chan, University of Edinburgh
Jacquie Clayton, Partners in Advocacy
Sara Collier, Children in Scotland
Mo Colvin, RNIB Scotland
Gerry Croall, A4e Scotland
Rhona Cunningham, Fife Gingerbread
Marion Davis, One Parent Families Scotland
John Dickie, Child Poverty Action Group
Dominic Everett, RNIB Scotland
David Ferrier, YPeople
John Forsyth, Families Need Fathers
Ellie Geddes, Barnardo's
Juliet Harris, Together
Lorraine Herschell, Partners in Advocacy
Kate Higgins, CHILDREN 1ST
Claire Hill, Barnardo's
Patricia Hutchison, CLIC Sargent
Adam Lang, Youthlink Scotland
Carine Le Borge, University of Edinburgh
Nina Losekamm, University of Edinburgh
Brandi Lee Lough Dennell, LGBT Youth Scotland
Melanie Main, Duke of Edinburgh
Robert MacBean, National Autistic Society
Marion Macleod, Children in Scotland
Robert McGeachy, Action for Children Scotland
Ann McInnes, Rathbone
Ann McKenzie, One Parent Families Scotland
Felicity Mehendale, Royal Hospital for Sick Children
Gillian Miller, Big Lottery Fund

Sue Milne, Edinburgh University
Andy Mount, West Lothian Youth Action Project
Muriel Mowat, Scottish Independent Advocacy Alliance
Paul Mullan, National Deaf Children's Society
David Nicholson, National Autistic Society
Liz Notarangelo, HomeLink Family Support
Scott Robertson, Quarriers
Maggie Simpson, Scottish Childminding Association
Dunia Subasciaki, The University of Edinburgh
Claire Telfer, Save the Children
Kay Tisdall, The University of Edinburgh
Linda Whitmore, Enable
Lorna Wynn, Partners in Advocacy

Apologies:

John Finnie MSP
Ken Macintosh MSP
Stewart Maxwell MSP
Alison Johnstone MSP
Derek Bannon, Common Thread
Salena Begley, Family Fund
Jacquie Clayton, Partners in Advocacy
Mig Coupe, Mindroom
Mairi Ferris, Fife Council
Sharon Forrester, Play Scotland
Bronagh Goan, Tartan Silk
Martin Hunt, Tartan Silk
Nicki James, For Scotland's Disabled Children
Fiona Jones, CI@n Childlaw
Julie Joseph, Common Thread
Mark Joseph, Common Thread
Charlene Kelly, Relationships Scotland
Nancy Loucks, Families Outside
Margaret McLeod, Youthlink Scotland
Kirsteen Mackay, The University of Edinburgh
Elizabeth May, Action for Sick Children (Scotland)
Calum Munro, Highland Children's Forum
Tim Randall, Evoc
Morag Rennie, Central Scotland Rape Crisis and Sexual Abuse Centre
Keith Robson, ATL
Tracy Rodger, CLIC Sargent
Kate Sanford, Quarriers
Lesley Scott, TACT Scotland
Marsha Scott, West Lothian Council

Clare Simpson, Parenting across Scotland
Helen Stirling, British Psychological Society Division of Clinical Psychology in Scotland

Welcome

Kezia welcomed everyone to the meeting and thanked everyone for attending. There was a very good turnout and a good response from MSPs.

Scene setting on welfare reform issues

Kezia welcomed the five guest speakers and invited them to share their thoughts on the welfare reform legislation. All of the speakers welcomed the chance to debate this issue and thanked the group for inviting them.

Robert McGeachy, Action for Children Scotland (AfCS), explained the process of the bill which has had its second reading in the House of Lords and is now at committee stage which is the important stage in terms of our role in influencing, shaping and supporting any amendments. There will be at least 6 Committee days and any peer can take part in the process which looks at details and amendments to the Bill. The 3rd Reading stage is for tidying up.

One of the issues that concern AfCS is the fact that claimants with a dependent child may face sanctions if they cannot access appropriate childcare. Robert welcomed other organisations present who were interested in supporting any amendments to do so.

Marion Davis, One Parent Families Scotland (OPFS) highlighted the main point of concern for OPFS around the welfare reform as the requirement for lone parents with a child over 5 to seek employment and the reforms in child maintenance. She stressed that with 150,000 lone parents in Scotland, there are high levels of anxiety around these issues which impact on children. Lone parents are a key group when it comes to tackling child poverty. Marion felt very strongly that the legislation does not take into account Scotland's different infrastructure and its geographical differences and that many of the proposals would in fact clash with the best interests of the child. The fact that the Westminster legislation refers to SureStart centres which do not exist in Scotland underlines the importance of asking ourselves – which agencies will support these reforms in Scotland, and how? OPFS are very interested in the process of legislative consent for the welfare reform bill in Scotland and how it will be scrutinized by the Scottish Parliament.

Marion MacLeod, Children in Scotland (CiS) highlighted that in terms of childcare costs, CiS and Save the Children Scotland (StCS) have found that contrary to

popular belief, for most families it does not 'pay to work' and in fact often makes it difficult to function as a family. These findings undermine the belief that working is a route out of poverty. Scotland has one of the highest and continually increasing levels of childcare costs in Europe along with the proportion of families requiring childcare increasing and more than half of the average part time income being spent on childcare costs.

There is a huge variety in cost and quality of childcare. Marion highlighted that the countries that have done well in supporting families and getting parents into the workforce have not only provided affordable and accessible childcare but have also focused on health, wellbeing and development for the child. This is not the case in Scotland. It should never be about just providing a place to leave your child while you go out to work. The options available to many parents do not seem to show a regard for the best interests of the child. Marion stressed that there is significant concern that the Westminster proposals actively undermine the key policy objectives of the Scottish Government.

Kate Higgins, CHILDREN 1st (C1) felt that the legislation demonstrated an interference in key aspects of Scottish family law and spoke of the concern by C1 that the impact of the reforms would put huge pressure on local authorities and service providers for areas that already cause big problems for families. Kate talked about the issue of kinship care and advised that the conditionality within the welfare reforms could have a very negative impact on kinship carers. She called for kinship carers to be exempt for one year to enable them to adjust to the upheaval in their lives and the lives of the children involved, often caused by trauma.

John Dickie, Child Poverty Action Group (CPAG) echoed the sentiment of the speakers before him and asked how the devolution of council tax benefits to the Scottish Government would function, and how the abolishment of community care grants and crisis loans would be managed in Scotland in terms of the impact on children and families. There is an open consultation at the moment on the grants and loans. There are also possible implications for passported benefits such as free school meals. John highlighted that because the bill requires consent, this is a really good opportunity for us to work together and for the Scottish Government to scrutinize the issues.

Discussion of the issues raised, the forthcoming LCM and the impact of the bill on devolved services.

Morag Driscoll of the Scottish Child Law Centre raised the issue of the possible impact on the 'Minute of Agreement' for separating couples which is unique to Scotland. This is a formal signed agreement about the dividing of assets and agreements on custody. The Bill would seem to threaten this. Morag will submit a note on this which can be circulated.

Mark Ballard, Barnardo's agreed that the Scottish context was being ignored in some of this debate. One of the most important points is that the amount of money being put into welfare is being dramatically cut, and the employment people are being asked to find does not exist. Where will funding come from to support those facing sanctions and having benefits withdrawn? Will it be the local authorities, the Scottish Government..? The impact on the Scottish budget, in particular for local government is very important and Kezia reminded group members to lobby Parliament on these issues. The Local Government Committee, of which she is a member is picking up on this, but it is the secondary Committee (Health is the lead) on this Bill.

Andy Mount, West Lothian Youth Action Project, noted the next generation of teenagers who may be disadvantaged by the provisions in this Bill and the likelihood of increased anti-social problems.

Maggie Simpson, Scottish Childminding Association (SCMA) stressed that there are real concerns amongst childminders that increasing numbers of families are coming forward for childcare but often without the means to pay for it which is having a negative impact on childminders who are, as Marion MacLeod (CiS) pointed out, amongst the lowest paid in the workforce. It is for this reason that it is important to see a recognition of the fact that good quality childcare does not come cheap and that upskilling of the workforce is imperative in order to enable parents to make good choices for themselves and for the wellbeing of their child. The undertaking of the childcare cost survey by CiS and STCS was to look at the impact on families and to dispel the myth that good quality childcare is inexpensive. There will also be situations where parents are pushed into work and forced to use childminders, when this is not the best arrangement for the children.

Robert McGeachy, (AfCS) drew attention to the lack of attention being paid to supporting hard to reach young people who require personalised and intensive support in order to access them. There is a lot of focus on the commitments of the claimants but not much at all on the commitment of the UK Government to support vulnerable claimants. There was concern amongst the group that under the new proposed system, work providers would 'cherry pick' the favourable claimants and those from BME communities, young offenders etc would not be selected. This issue will be taken forward in the House of Lords.

It was agreed that many people in Scotland were unaware of the possible impact and potential costs of this Bill. Mark noted that one of the key concerns is that lots of the Bill is dealt with by regulation – which will take place after the LCM is agreed to. The regulations will be the means by which the real costs are

determined. Scotland's MPS will have a key role at this stage. It was agreed that while it would be good to come up with some estimated costs, this would be tricky at this stage. Can this be something the Scottish Government are asked to do? Some third sector organisations have already started putting pressure on Westminster to provide resources for this modeling

In terms of the implications of the bill for the Scottish budget, the group debated the issues including parents being rushed back to work without the required support, the pressure put on kinship carers, and the long term cost of life chances for children who end up in residential care (which is where children may end up if kinship carers do not receive support) .

It was agreed that we should be seeking a commitment from the UK Government that we will be consulted on these regulations when they are introduced and all the group were encouraged to lobby their MPs at any stage in this process.

The debate in the Scottish Parliament on welfare reform next week (Wednesday 5th October) needs to focus on the Scottish Government response to the Bill - MSP members could circulate a list of the MSPs talking at the debate next week. Fiona suggested that specific MSPs be targeted with information as soon as possible.

Due to the pressing timeframe for this debate, as much information as possible will be read between now and the weekend in preparation for next week.

Given the amount of time it takes to set up new systems, we need to remember that there will be families who will suddenly no longer receive crisis loans but who still need them. Mark stressed the importance of considering the timetables of the legislation and the need to prepare for the changed responsibilities in Scotland.

Members agreed that it is very worrying how little the bill has changed since being introduced. With regards to what else the Legislative Consent Motion could do, the group agreed it would provide the opportunity to scrutinize legislation, enable Scottish politicians to change legislation, have a full discussion and identify areas of concern or questions for implications in Scotland. So far, the Scottish Government has not rejected an LCM but has included caveats but the impact of LCMs was not clear amongst members. Is refusing it an option? Kezia will ask SPICe to draft a briefing on what an LCM can do and will circulate amongst the group. (Please see Appendix at end of minute for SPICe response).

It was acknowledged that unfortunately it is a question of when, not if for the introduction of the welfare reform. Therefore, the group wants to know what preparations are being made for the welfare reforms in Scotland and want the Scottish Government to be clear regarding their preparations given the significant

concerns in terms of direct and indirect implications for all families and services in Scotland. It was highlighted that the Disability Alliance is seeking judicial review on the legislation and that it might be useful to have feedback from them regarding the legislative timetable.

Members were invited to submit their 'shopping lists' of possible caveats to the bill to Sara by next week so that these can be considered. The group would like the effect on children and young people by an LCM to be noted in the various committees and fed back. Kezia acknowledged that this would happen from the Health and Local Government committees.

Next meeting

The next meeting date was agreed as Thursday 27 October 2011 and the following topics for discussion were proposed: Youth employability and Rights of the Child.

Both topics were timely and substantive but it was decided that October's meeting would look at *Rights of the Child*. The meeting will be chaired by Marco Biagi MSP.

Sara Collier (CiS) reminded members that the 1st December meeting would be a joint meeting with the Cross Party Group on Mental Health.

Appendix 1: Note from SPICe on Legislative Consent Motions

CHAPTER 9B CONSENT IN RELATION TO UK PARLIAMENT BILLS

Rule 9B.1 UK Parliament Bills making provision requiring the Parliament's Consent

1. In this Chapter, a "relevant Bill" is a Bill under consideration in the UK Parliament which makes provision ("relevant provision") applying to Scotland for any purpose within the legislative competence of the Parliament, or which alters that legislative competence or the executive competence of the Scottish Ministers.

Rule 9B.2 Legislative consent motions

1. A motion seeking the Parliament's consent to relevant provision in a relevant Bill shall be known as a legislative consent motion. A legislative consent motion shall identify the relevant Bill by reference to its short title and the House of the UK Parliament in which and the date on which it was introduced.

2. A legislative consent motion shall not normally be lodged until after the publication of the lead committee's report in accordance with Rule 9B.3.5 below.

3. Every legislative consent motion lodged shall be taken in the Parliament. The Parliament shall not normally take such a motion earlier than the fifth sitting day after the day on which the lead committee's report under Rule 9B.3.5 below is published.

Rule 9B.3 Legislative consent memorandums

1. A member of the Scottish Executive shall lodge with the Clerk a memorandum ("a legislative consent memorandum") in relation to—

(a) any Government Bill that is a relevant Bill on introduction, normally no later than 2 weeks after introduction;

(b) any Private Member's Bill that was a relevant Bill on introduction and remains a relevant Bill after the first amending stage in the House in which it was introduced, normally no later than 2 weeks after it completes that stage;

(c) any Bill that, by virtue of amendments—

(i) agreed to; or

(ii) tabled by a Minister of the Crown or published with the name of a Minister of the Crown in support, in either House, makes (or would make) relevant provision for the first time or beyond the limits of any consent previously given by the Parliament, normally no later than 2 weeks after the amendments are tabled or agreed to.

2. Any member (other than a member of the Scottish Executive) who intends to lodge a legislative consent motion in relation to a relevant Bill shall first lodge with the Clerk a legislative consent memorandum, but shall not normally do so until after a member of the Scottish Executive has lodged a legislative consent memorandum in respect of that Bill.

3. A legislative consent memorandum shall—

(a) summarise what the Bill does and its policy objectives;

(b) specify the extent to which the Bill makes provision—

(i) for any purpose within the legislative competence of the Scottish Parliament; or

(ii) to alter that legislative competence or the executive competence of the Scottish Ministers;

(c) in the case of a memorandum lodged by a member (including a member of the Scottish Executive) who intends to lodge a legislative consent motion, set out a draft of the motion and explain why the member considers it appropriate for that provision to be made and for it to be made by means of the Bill; and

(d) in the case of a memorandum lodged by a member of the Scottish

Executive who does not intend to lodge a legislative consent motion, explain why not.

4. Notice of any legislative consent memorandum lodged shall be given in the Business Bulletin. The Clerk shall arrange for the memorandum to be printed and published.

5. The Parliamentary Bureau shall refer any legislative consent memorandum to the committee within whose remit the subject matter of the relevant provision falls. That committee (referred to as “the lead committee”) shall consider and report on the legislative consent memorandum. Where the subject matter of the relevant provision falls within the remit of more than one committee the Parliament may, on a motion of the Parliamentary Bureau, designate one of those committees as the lead committee.

The other committee or committees (“the secondary committee or committees”) may also consider the legislative consent memorandum and report its or their view to the lead committee.

6. In any case where the Bill that is the subject of the memorandum contains provisions conferring on the Scottish Ministers powers to make subordinate legislation, the Subordinate Legislation Committee shall consider and may report to the lead committee on those provisions.