

Official - Sensitive

Consultation response

Draft Child Poverty Strategy for Wales 2023

Consultation details

Title of consultation: Draft Child Poverty Strategy for Wales 2023

Source of consultation: Welsh Government

Date: 11 September 2023

Contents

About the Commission	2
Overview	2
United Nations Convention on the Rights of the Child (UNCRC) and other international human rights obligations.....	3
Poverty and the protected characteristics	5
Actions, targets, indicators and progress monitoring mechanisms	8
Public Sector Equality Duty and Impact Assessment.....	8
The socio-economic duty	10
Annex A	13

About the Commission

The Equality and Human Rights Commission is the independent equality regulator for England, Scotland and Wales and is an UN-recognised 'A' status National Human Rights Institution. The Commission has a statutory mandate to advise Government and Parliament on matters relating to equality and human rights, and to promote and protect equality and human rights across Britain.

Overview

We welcome that the Welsh Government is refreshing the Child Poverty Strategy following the previous strategy which was published in 2011. We welcome the emphasis on engagement with children and young people in the development of this strategy.

Evidence shows that in spite of efforts child poverty remains persistently high. The number of children living in relative poverty across the UK has grown, reaching a 20-year high of 4.3 million in 2019/20, at pre-pandemic levels, representing almost one-third of all children. Wales has the highest child poverty rates in the UK, at 31% 2019/20¹.

Poverty severely affects children's ability to enjoy basic rights. It can contribute to negative outcomes related to educational attainment, ill health, reduced development, bullying, contact with the criminal justice system and the risk of criminal exploitation.

Poverty is an important human rights issue. The Welsh Government has under both the UN Convention on the Rights of the Child and the International Covenant of Economic, Social and Cultural Rights to support an adequate standard of living. Poverty is also an important equality issue. We know that certain groups with protected characteristics are more likely to experience socio-economic disadvantage including women, disabled people and some ethnic minorities.

¹ [childrens-rights-in-great-britain-full-report-2023.docx \(live.com\)](#)

It is important that the Child Poverty Strategy is underpinned by the principles of equality and human rights. A key concern we have with the current draft is that it is not sufficiently informed or developed through the lens of equality and human rights frameworks and obligations. This is evidenced, in part, by the lack of a published Equality Impact Assessment for the draft strategy.

The Commission was not invited to provide advice during the development of the draft strategy before it went out to consultation. Our expertise as the regulator of the Equality Act 2010 and a National Human Rights Institution (NHRI) could have been beneficial for the development of the strategy.

The advice in our response is based on our expertise as a National Equality Body and an NHRI. We have highlighted our key areas of concerns and recommendations in the sections below.

United Nations Convention on the Rights of the Child (UNCRC) and other international human rights obligations

The UK as a State is a signatory to the UN Convention on the Rights of the Child (CRC) which places obligations on the Welsh Government to ensure the implementation of all the articles of the convention and recommendations made to it by the relevant UN Committees.

In addition, the duty of due regard to the UNCRC is placed on Welsh Ministers through the Rights of Children and Young Persons (Wales) Measure 2011. The draft strategy states:

“The Measure [the Rights of Children and Young Persons (Wales) Measure 2011] embeds consideration of the UNCRC and the Optional Protocols into Welsh law, and places Welsh Ministers under a duty to have due regard to the requirements of the UNCRC when making their decisions.”

Beyond the engagement with children and young people in the development of the strategy, fulfilling obligations under Article 12 of the UNCRC, it is not clear how wider articles of the UNCRC or other international human rights obligations, or the duty on Welsh Ministers, have informed the development of the draft strategy.

It is a missed opportunity to develop a rights-based child poverty strategy. We would strongly advise that the Welsh Government reviews its obligations under the UNCRC, the 2011 measure and other international obligations and that the final strategy to be underpinned, informed and aligned to these obligations.

For the first time since 2016, the UN has assessed the state of children's rights in the UK and highlighted where governments are falling short. The recommendations made by the UN CRC Committee in its Concluding Observations, published in early June 2023 will be key to improving the protection and empowerment of children, across all areas of their lives. It is unclear from the development of this strategy how the Welsh Government has considered some of the most relevant recommendations made by the UN CRC Committee. We want to draw Welsh Government's attention to recommendations 46(a-d) made by the UNCRC set out in Annex A.

We recommend the Welsh Government reflect on its obligations under the UNCRC and implement the UN CRC Committees recommendations to ensure the UNCRC underpins the Child Poverty Strategy.

Below we have provided some advice on where these links could be made.

Relevant articles of the UNCRC that could be used to help frame the strategy include Articles 26 – 29². We would also refer the Welsh Government to relevant 'General Comments' which the UN CRC Committee have produced. These are the Committee's way of providing guidance on how the rights in the Convention should be implemented. The most relevant ones are:

- [General Comment No.19](#) on public budgeting for the realisation of children's rights
- [General Comment No.14](#) on the right of the child to have his or her best interests taken as a primary consideration.

In addition there are other General Comments can be found [here](#) which may be useful for the draft strategy – on the rights of disabled children, rights in early childhood, the right of the child to be heard, and the impact of the business sector on children's rights.

² Article 26 relates to support from Government to social security
Article 27 relates to the right to an adequate standard of living, including housing, food and clothing.
Article 28 & 29 relates to the right to an education

The UK is also a signatory to the International Covenant on Economic, Social and Cultural Rights (ICESCR), which places obligations on the Welsh Government relevant to this strategy. Relevant articles from ICESCR include Article 9 the right to social security and Article 11, the right to an adequate standard of living, including adequate food, clothing and housing.

In February 2023, we wrote to the Welsh Government following the [publication of the Commission's report to the Committee for the International Covenant on Economic, Social and Cultural Rights](#). The report indicated where progress has been made in recent years and where further work is required.

Our report made recommendations to the Welsh Government including to 'examine the factors causing higher poverty levels among certain groups, develop accountability mechanisms to address them, and reintroduce income poverty-related targets for the eradication of child poverty.'

It does not appear that the draft strategy addresses the articles or obligations under ICESCR or recommendations we made to the Welsh Government in our report.

We recommend that the Welsh Government reflect its obligations under ICESCR and use the reporting process - made to strengthen efforts to tackle inequalities in the enjoyment of economic and social rights - to improve compliance with their human rights obligations in relation to the Child Poverty Strategy.

Poverty and the protected characteristics

Although the draft strategy references that socio-economic disadvantage is highly intersectional and that deprivation interacts with protected characteristics, there is very little detail and no specific actions on how socio-economic disadvantage experienced by some protected characteristic groups will be addressed. We are also concerned about the lack of an accompanying Equality Impact Assessment with the draft strategy.

The UN CRC Committee has also been clear that there are certain groups who are disproportionately affected by poverty and other issues, for example disabled children, refugee, and migrant children, Gypsy, Roma and Traveller children and certain other ethnic minorities.

We recommend that Welsh Government revise its priority actions, undertake and publish an Equality Impact Assessment that sets out the steps it will take to address socio-economic disadvantage experienced by people who share protected characteristics.

Below we have set out some evidence which illustrates the need to focus priority actions on people who share protected characteristics. This evidence is drawn from our draft Equality and Human Rights Monitor: Is Wales Fairer? 2023 report, which is to be published in Autumn 2023. **This data should be treated confidentially until publication.**

Women, disabled people and some ethnic minority groups are more likely to experience poverty.

- Disabled people in Wales are more likely to face higher levels of poverty, including fuel poverty. In October 2021, households with someone who has a long-term limiting illness (16%) were more likely to be fuel-poor than households without (12%).³
- Welsh Government analysis found that, based on a two-year average, in 2020-22, 31% of children who lived in a family where there was someone with a disability were in poverty compared with 26% of those in families where no one was disabled.⁴
- Ethnic minorities in Wales are more likely to be living in poverty, as 40% of ethnic minority-headed households (excl. White minorities) were living in poverty, compared to 22% of White-headed households. Some ethnic minority groups are also more likely to experience homelessness and overcrowding and are less likely to be homeowners.
- 89.1% of single-parent households in Wales are headed by women. Households most likely to be living in poverty are single parent households (38%).

Poverty can severely affect children's ability to enjoy basic rights. It can contribute to negative outcomes related to educational attainment, ill health.

³ Welsh Government (2022) 'Fuel poverty modelled estimates for Wales: as at October 2021'. Available at: <https://www.gov.wales/fuel-poverty-modelled-estimates-wales-october-2021>

⁴ Welsh Government (2023), 'Relative Income Poverty'. Available at: <https://www.gov.wales/relative-income-poverty-april-2021-march-2022-html#119562>

Poor outcomes related to educational attainment, employment status, health inequalities can also be a determinant of socio-economic disadvantage within households or throughout adulthood. Our evidence shows that:

- In 2020/21, just over half (52.5%) of children eligible for free school meals (FSM) in Wales achieved 5 GCSEs grade A* to C, compared with 79.8% children not eligible for FSM.⁵
- In the primary education foundation phase, there are a range of disparities between the attainment of different groups. The most notable disparity is for Gypsy, Roma and Traveller (GRT) children, who have significantly lower attainment rates than all other ethnic groups. 42.5% of disabled children or with an ALN achieved foundation phased outcomes compared to 92% if non-disabled children.
- Disabled adults are less likely to be employed than non-disabled adults. However, the disability employment gap narrowed from 39.6 percentage points in 2013/14 to 36.2 percentage points in 2019/20. Despite employment gaps improving, earnings gaps are worsening, as disabled workers earned 15.1% less in 2019/20, compared to 8.0% less in 2013/14.
- Evidence shows that men remain consistently more likely to be employed than women. In 2019/20, 61.3% of all men aged 16 and over were in employment compared with 53.2% of women.
- Ethnic minority workers are generally more likely than White British workers to be in insecure employment (8.0% compared to 14.2% in 2019/20).
- Between 2010/11 and 2019/20, ethnic minority workers remained significantly more likely to be in low-paid occupations than White British workers, with little change for either group.

We recommend that the Welsh Government considers the evidence that it holds on inequalities faced by people who share protected characteristics and the determinants of socio-economic disadvantage and set new priorities that seek to address these inequalities as a means of reducing child poverty.

Actions, targets, indicators and progress monitoring mechanisms

In our submission to the UN Committee on CRC Children's rights in Great Britain, published in December 2022, we made some recommendations to the Welsh Government including to 'reintroduce income poverty-related targets for the eradication of child poverty, establish accountability mechanisms and indicators for meeting these targets, and report annually on progress.' There is no commitment in the draft strategy to address this recommendation and as currently set out there are no targets set that aim to reduce child poverty.

The draft strategy currently does not include a delivery plan. The actions set under priorities 1-5 lack clear outcomes, targets or timescales. The lack of outcome focussed priorities with a delivery plan and clear targets reduces the ability of the Welsh Government to effectively monitor progress. We note that the Welsh Government will use the national milestones to monitor progress and we welcome that the Welsh Government has committed to seek independent research advice on national poverty indicators.

The strategy would be strengthened by including these poverty indicators and targets at the outset. The lack of clear targets and indicators is a barrier to accountability and scrutiny on progress that the Welsh Government has made in addressing child poverty, both for itself and civil society in Wales.

We recommend that when the Welsh Government publishes its agreed Child Poverty Strategy, that it includes outcome focused priorities, targets for reducing poverty, and sets out the indicators and mechanisms to track progress.

Public Sector Equality Duty and Impact Assessment

The Equality Act 2010 places a positive duty, known as the Public Sector Equality Duty (PSED) on public bodies (and those carrying out public functions such as delivering services on behalf of public bodies) to proactively give appropriate consideration (due regard) to the need to:

- Eliminate unlawful discrimination;
- Advance equality of opportunity between people who share protected characteristics and those who do not; and

- Foster good relations between people who share protected characteristics and those who do not.

The Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 regulation 8 requires public bodies to carry out and publish an Equality Impact Assessment (EIA) of a new policy, practice or decision to consider whether the decision would have a disproportionate impact on people sharing one or more protected characteristic.

Following review of the draft strategy's Integrated Impact Assessment, we are concerned that there doesn't appear to be a published EIA in relation to the draft strategy.

There does not appear to be any reference to the PSED and no evidence of any due regard being given to the three aims of the PSED general duty.

We welcome the several references to wide scale engagement:

- Pre-strategy engagement took place with over 3000 internal and external stakeholders taking part, this included the views of over 1,400 children and young people across Wales.
- The engagement activity that was undertaken on our behalf has involved engagement with 2,909 people, 1,930 of these people engaged via work targeted at those with protected characteristics.
- The engagement activity has involved engagement with 3,358 people. 1,953 of these people engaged via work targeted at those with protected characteristics.

However, it is unclear whether there is any breakdown of intelligence or data by protected characteristic (PC) or whether any analysis by PC has been carried out. There appears to be no evidence of any intersectional considerations.

The "Impacts" section contains no specific reference to PCs, no evidence, no analysis and no reference to any aspect of the PSED. There appears to be no systematic consideration of either positive or negative impacts.

We would welcome clarification on any EIA carried out and how due regard has been given to the PSED general duty when developing the strategy and the proposed 5 priority areas.

The socio-economic duty

The Equality Act 2010 introduced a 'socio-economic duty' (SED) commenced by the Welsh Government in March 2021. The duty states that certain public bodies, when making strategic decisions on, for example, priorities or objectives, must consider how their decisions might help to reduce the inequalities associated with socio-economic disadvantage.

As the draft strategy notes "The Socio-economic Duty gives us an opportunity to do things differently in Wales. It puts tackling inequality at the heart of decision-making". We welcome that acknowledgement in the draft strategy of the potential of the SED as a lever for change.

Our general reflections on the content of the draft strategy are summarised as follows:

'Evidence Base'

Socio-economic disadvantage and the role of social factors such as poverty in creating inequality of opportunity has been described within the evidence base section of the draft consultation. Some further explanation of the crosscutting impact of socio-economic disadvantage may have better highlighted its relevance to child poverty.

Priority 5: enabling collaboration (at the regional and local level).

We welcome reference to the SED and the actions under priority 5 to work with public bodies to share good practice and identify new areas where the duty could be applied. We would have expected the inclusion of a priority using the SED as a lever in addressing child poverty in Wales. It is unclear beyond this action how the obligations under the SED have informed the development of this strategy.

We have included some feedback below on how the SED could be better reflected in the strategy.

- There is no explanation on how the Socio-economic Duty is currently improving decision making in Wales.
- There is no information from the Welsh Government on the current status of public bodies implementation of the Duty and little action or information on the leadership role for the Welsh Government in supporting implementation

The draft consultation refers to our research on evaluating the Socio-economic Duty in Scotland and Wales (2021). Our research highlighted that some work was needed to increase awareness of the SED across public bodies in Wales.

Some relevant steps for successful implementation of the Duty included in our research were:

- Collective ownership of the Duty across listed public bodies in Wales.
- Engagement and awareness raising of the Duty, lack of awareness in organisations' workforce.
- Developing implementation frameworks within public bodies to support the Duty being incorporated into 'strategic level' decision making.
- Data to measure socio-economic impacts and outcomes. It was suggested that the Welsh Government could provide more information on sources of evidence and data that would be useful to support the SED.

Other suggestions related to how the Welsh Government (or other partners / organisations) could provide support to enable public bodies to implement and deliver the aims of the SED, including:

- the provision of more resources and increased funding from the Welsh Government
- the provision / delivery of training from the Welsh Government and the Equality and Human Rights Commission to raise awareness within and between organisations.
- the provision of a dedicated SED regional coordinator who could support the development of new processes, mainstreaming, and awareness raising.
- maintenance of inclusion and engagement with the Advisory Group to the Welsh Government on the SED as an example of good practice, and strong messaging from the Welsh Government and other stakeholders that the SED is not about one person or organisation, but about all, from public bodies and regulators to the third sector and the private sector.

The actions set out under priority 5 do not reflect some of the key recommendations within our research on how successful outcomes can be reached using the SED as a lever for change. The actions under priority 5 are not clearly measurable and have no specific timeframes.

Whilst we welcome the recognition of the SED in the draft strategy, it is a missed opportunity to fully use the SED as a lever to address child poverty in Wales.

We recommend that the Welsh Government reviews the recommendations made in our 2021 research set out above and consider their inclusion in the final strategy.

We recommend that the Welsh Government set clear, time limited SMART actions relating to the implementing of the SED across Welsh public services.

Annex A

Concluding observations on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland*[G2311277.pdf](#)

Standard of living 46. Noting with deep concern the large number of children living in poverty, food insecurity and homelessness, the Committee recommends that the State party:

- (a) Develop or strengthen existing policies, with clear targets, measurable indicators and robust monitoring and accountability mechanisms, to end child poverty and ensure that all children have an adequate standard of living, including by increasing social benefits to reflect the rising cost of living and abolishing the two-child limit and benefit cap for social security benefits; CRC/C/GBR/CO/6-7 GE.23-10524 17
- (b) Address the root causes of homelessness among children, strengthen measures to phase out temporary and contingency accommodation schemes and significantly increase the availability of adequate and long-term social housing for families in need, with a view to ensuring that all children have access to affordable, quality housing;
- (c) Ensure that the best interests of the child are given primary consideration in all eviction matters, that evictions are not targeted at families belonging to minority groups and that any evictions are always subject to adequate alternatives;
- (d) Ensure that measures to combat poverty comply with a child rights-based approach and include a particular focus on children in disadvantaged situations, especially children of single parents, children with disabilities, Roma, gypsy and traveller children and children belonging to other minority groups, asylum-seeking and refugee children, children in large families and children leaving care.