

APPENDIX 4: Poverty, Food and Digital Access: Children’s Rights Impact Assessment (CRIA)

Subject Focus: Poverty, Food (Free School Meals) and Digital Access

This CRIA is useful to read alongside Scottish Government guidance, which can be found at <https://www.gov.scot/publications/childrens-rights-wellbeing-impact-assessments-crwia-guidance/> (please note, this Scottish Government guidance encompasses wellbeing frameworks used in Scotland, while the primary emphasis of this Alternative CRIA is on children’s rights)

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Date: 17 June 2020

STAGE 1: SCOPING (Background and Rights Framework)

| Question 1: Name each measure (including relevant sections of legislation and guidance) being assessed and describe the overall aim | |
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| Measure | Overall aim of the particular, relevant aspects of the measure |
| The Social Security (Coronavirus) (Further Measures) Regulations 2020 No.371 | This is mostly relevant in how changes to the social security system (e.g. the £20 per week uplift to Universal Credit) and to employment (in particular the Coronavirus Job Retention Scheme) affect levels of poverty and children and young people living in poverty. |
| Coronavirus (COVID-19): school and early learning closures – guidance about key workers and vulnerable children | This sets out the childcare and learning provision for key workers and vulnerable children during closures of school and early learning and childcare settings to deal with the COVID-19 outbreak. Its relevance here is in relation to free school meals. |
| Coronavirus (COVID-19): food fund guidance for local authorities (LAs) | This provides guidance for LAs on Scottish Government Food Fund which will support those most in need including families with children who are eligible for free school meals. |

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| Coronavirus (COVID-19): supporting pupils, parents and teachers – learning during term 4 | This guidance aims to help support continuity in children and young people’s learning in Term 4, following the closure of schools in March 2020 due to COVID-19. This is relevant for those children and young people living in poverty who are digitally excluded. |
| Excellence and Equity during the COVID-19 Pandemic – a strategic framework for reopening schools, early learning and childcare provision in Scotland | The aim is to enable as many children and young people as possible to return to education and care settings at the earliest date on which it is safe to do so. Its relevance here is in relation to the suggested model of returning to schools being a blended model of in-school and in-home learning. This has implications for children and young people living in poverty who are more likely to be digitally excluded. |

| Question 2: Which human rights instruments and articles are particularly relevant to the measure(s)? | | |
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| Human Rights Instrument | Article | Further analysis on the expected / actual effect |
| United Nations Convention on the Rights of the Child (UNCRC) | Article 2(1) – States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. | No child or young person, due to poverty as a marker of family background, should be disadvantaged in the realisation of their rights in relation to Scottish Government’s COVID-19 emergency measures. Those whose group membership (e.g. Black, Asian and Minority Ethnic (BAME) groups) intersects with poverty, or those whose risk of poverty is increased, such as young carers, should be able to experience full and equal rights free of discrimination. |
| UNCRC | Article 3(1) – In all actions concerning children...the best interests of the child shall be a primary consideration. | A child or young person’s best interests must be a primary consideration for these measures, rather than the best interests of the providing body (e.g. LAs) |
| UNCRC | Article 4 – States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural | Children and young people should not experience varying levels of access to their rights due to differential approaches taken by local governments, when a national standardised approach may ensure |

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| | rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation. | all children and young people's rights equally (see also Article 2 (1)). |
| UNCRC | Article 6 – 1. States Parties recognize that every child has the inherent right to life. 2. States Parties shall ensure to the maximum extent possible the survival and development of the child. | No child or young person should be prevented from developing to their full potential due to their poverty. |
| UNCRC | <p>Article 12(1) – States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.</p> <p>See also Articles 13 (freedom of expression), Article 14 (freedom of thought), Article 15 (freedom of assembly) and Article 17 (information, including the mass media).</p> | <p>Children and young people have the right to express their views and have these taken into account in decisions that affect them. The immediate COVID-19 response was an emergency response and children and young people's participation may not have taken place. However, as time lapses the opportunities to fulfil this right grows and no child nor young person should be prevented from freely expressing their views.</p> <p>This CRIA largely concentrates on digital access as it relates to accessing education. Digital access also relates more widely to participation and information, and access to a wide range of resources. These issues are covered to a greater extent in the Overview and Appendix 5.</p> |
| UNCRC | Article 22 (1) – States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any | Refugee and asylum-seeking children and young people are among those most affected by poverty and are least financially provided for by the State. No refugee or asylum-seeking child or young person should be without appropriate protection and assistance. |

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| | <p>other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.</p> | <p>This CRIA does not focus on this group in particular but it should be noted that they are at exceptionally high risk of poverty, food insecurity and digital exclusion. (See discussion in Overview)</p> |
| UNCRC | <p>Article 23 (summary) – A disabled child has the right to live a full and decent life with dignity and, as far as possible, independence and to play an active part in the community. Governments must do all they can to support disabled children and their families</p> | <p>Disabled children, young people and families are one of the groups at highest risk of poverty in Scotland and, consequently, one of the focal groups of the Child Poverty (Scotland) Act 2017. All children and young people should have equal access to their rights irrespective of their disability.</p> <p>This CRIA does not focus on disabled children and young people (see Appendix 8) but their higher risk of poverty, food insecurity and digital exclusion should be noted.</p> |
| UNCRC | <p>Article 24 (summary) – Every child has the right to the best possible health. Governments must provide good quality health care, clean water, nutritious food, and a clean environment and education on health and wellbeing so that children can stay healthy.</p> | <p>No child or young person should be deprived access to facilities for the treatment of illness and rehabilitation of health. This is relevant here in relation to food insecurity and equality of access to free school meals.</p> |
| UNCRC | <p>Article 26 – (1) States Parties shall recognise for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law. (2) The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility</p> | <p>No child or young person should be without what they and their families need in relation to social security.</p> <p>There has been considerable social security activity, mainly at the UK level, some of it positive, some with potential unintended consequences that could negatively affect children and young people living in</p> |

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| | for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child. | poverty, and some a retrenchment that poses risks for children and young people. |
| UNCRC | Article 27(1) – States Parties recognise the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. (See also Article 27(2-4)) | No child or young person should be deprived of the means and resources to meet their physical and social needs and support their development. There has been much change for families in relation to employment, pay and receipt of social security that may impede children and young people's access to their right to an adequate standard of living. |
| UNCRC | Article 28 (summary) – Every child and young person has the right to both primary and secondary education, on the basis of equal opportunity. They should be able to choose different subjects when in secondary school. This should include the option of technical and vocational training. (see also Article 29) | No child or young person should be deprived their right to education. This is relevant in the context of remote learning, digital exclusion and access to hubs for vulnerable children. Education is addressed in Appendix 3 . |
| International Covenant on Civil and Political Rights (ICCPR) | Article 1(1) – All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. Article 6(1) – Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life. | Article 1(1) would apply to the economic rights of children, young people and their parents/ carers. The restricted movement and closure of businesses has constrained the ability to 'freely pursue' economic development for many. In this CRIA, Article 6(1) of the ICCPR is covered by UNCRC Article 6. |
| International Covenant on Economic, Social and Cultural Rights (ICESCR) | Article 2(1) – Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, | In this CRIA, these ICESCR rights are addressed under the UNCRC Articles 2 and 4 above. |

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| | <p>to the maximum of its available resources, with a view to achieving progressively the full realisation of the rights recognised in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.</p> <p>(2) The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.</p> | |
| ICESCR | <p>Article 9 – The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.</p> | <p>In this CRIA, this ICESCR right is addressed under UNCRC Article 26.</p> |
| ICESCR | <p>Article 11 (1) – The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.</p> <p>(2) The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the</p> | <p>In this CRIA, these ICESCR rights are addressed under the UNCRC Articles 24 and 27-29 above.</p> |

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| | <p>measures, including specific programmes, which are needed:</p> <p>(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;</p> <p>(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.</p> <p>Also Articles 12 (health) and 13 (education)</p> | |
| <p>UN Convention on Rights for Persons with Disabilities (UNCRPD)</p> | <p>Article 3 – General principles The principles of the present Convention shall be:</p> <p>(a) Respect for inherent dignity, individual autonomy including the freedom to make one’s own choices, and independence of persons;</p> <p>(b) Non-discrimination;</p> <p>(c) Full and effective participation and inclusion in society;</p> <p>(d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;</p> <p>(e) Equality of opportunity;</p> | <p>In this CRIA these UNCRPD rights are addressed under the UNCRC Articles 2, 12 and 23 above (and UNCRC Article 5). (See also Appendix 8.)</p> |

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| | <p>(f) Accessibility;</p> <p>(g) Equality between men and women;</p> <p>(h) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.</p> | |
| UNCRPD | <p>Article 5 – Equality and non-discrimination</p> <p>(1) States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.</p> <p>(2) States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.</p> <p>(3) In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.</p> <p>(4) Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.</p> | <p>In this CRIA these CRPD rights are addressed under the UNCRC Articles 2, 4 and 23 above. (See also Appendix 8).</p> |
| UNCRPD | <p>Article 7 – Children with disabilities</p> <p>(1) States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.</p> | <p>In this CRIA these CRPD rights are addressed under the UNCRC Articles 2, 3 and 12 above. (See also Appendix 8)</p> |

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| | <p>(2) In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.</p> <p>(3) States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.</p> | |
| UNCRPD | <p>Article 10 – Right to life</p> <p>States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.</p> | In this CRIA these CRPD rights are addressed under the UNCRC Article 6 above. (See also Appendix 8) |
| UNCRPD | <p>Article 28 – Adequate standard of living and social protection</p> | In this CRIA these CRPD rights are addressed under the UNCRC Articles 26 and 27 above. (See also Appendix 8.) |
| European Convention on Human Rights (ECHR) | <p>Protocol 1, Article 2 – No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.</p> | In this CRIA, this ECHR right is covered by the UNCRC Article 28. (See also Appendix 3) |

STAGE 2: EVIDENCE

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| Question 3a: What quantitative evidence have you used to inform your assessment? What does it tell you? |
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| Evidence collected | Evidence source | Explanation of the importance | What are the data gaps, if any? |
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| Scotpulse survey results March/April 2020 | Citizens Advice Scotland (2020) | On food insecurity of children and families. | |
| Inequality in the impact of the coronavirus shock: evidence from real time surveys | Institute for New Economic Thinking, University of Cambridge (Adams-Prassl et al, 2020) | Gendered impact of being able to work from home and the difficulties for women. This has particular relevance for lone parents. | |
| School Meals Dataset 2019 | Scottish Government (2020cc) | This gives data on the numbers of children registered for free school meals. | It does not specify those children whose eligibility is due to low-income eligibility only. That figure has to be derived by the reader. |
| Poverty and income inequality statistics | Scottish Government (2020bb) | This gives data on the numbers of children living in poverty in Scotland and breaks it down by various groups (e.g. lone parent families). | |
| Annual survey of hours and earnings: 2019 | Scottish Government (2020aa) | This gives data on employment sectors in Scotland, which allows us to see which sectors are lowest paid and most at risk during sector shutdowns. | |
| School Healthy Living Survey Statistics 2019 | Scottish Government (2019) | This gives data on free school meals. | It does not specify those children whose eligibility is due to low-income eligibility only. That figure has to be derived by the reader. |

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| The Scottish Health Survey report | Scottish Government (2018c) | This gives pre-coronavirus statistics on food insecurity in Scotland. | |
| COVID-19: the impact on disabled and older people in the UK | Research Institute for Disabled Consumers (2020) | This highlights food insecurity and the responses to it. | |
| Coronavirus Financial Impact Tracker: key findings from a national survey | Standard Life Foundation (Kempson and Poppe, 2020) | This assesses the public's financial wellbeing during the pandemic. | |
| Official Statistics Universal Credit: 29 April 2013 to 9 April 2020 | Department of Work and Pensions (2020) | This provides data on new starts and application to Universal Credit. | |
| How are you doing? Survey Report April and May 2020 | Children's Parliament (2020f) | This surveys children aged 8-14 monthly during the pandemic to assess how they are doing. However, it is a self-selected sample so is not representative of all children. As such, it privileges those with digital access which may preclude the views of those we would most like to hear from. | |
| Food Foundation survey | Food Foundation (2020) | This gives UK-wide data on those experiencing food insecurity. | |
| Resolution Foundation coronavirus survey | Resolution Foundation (Gardiner and Slaughter, 2020) | This gives data on the numbers of people furloughed and breaks it down by low income groups most at risk. | |
| Early findings on the impact of COVID-19 on girls and young women | Girlguiding research briefing (2020) | This gives data on children and young people themselves. However, it is a self-selected sample so is not representative of all children and young people. As such, it privileges those with digital access which may preclude the views of those we would most like to hear from. | |

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| LockdownLowdown – what young people in Scotland are thinking about COVID-19 | Scottish Youth Parliament, YouthLink and Young Scot (Scottish Youth Parliament et al, 2020a) | This gives data on children and young people themselves. However, it is a self-selected sample so is not representative of all children and young people. As such, it privileges those with digital access which may preclude the views of those we would most like to hear from. | |
| Nourish Scotland | Trussell Trust and Independent Food Aid Network survey (IFAN) (2020) | Trussell Trust report 122% more parcels going to children, in comparison to the same period in 2019. (This is a UK-wide figure. IFAN to not disaggregate by children.) | |

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| Question 3b: What key missing information / evidence would have been beneficial to your analysis? |
| Definitive data on the numbers of children eligible and registered for free school meals based on low-income eligibility only. At present the data also present those registered due to universal entitlement. An estimate has to be calculated by hand. This is the aspect of free school meals that is most important and relevant to research, monitoring and evaluation. It should be presented clearly and accessibly. |
| Data on the uptake of free school meals by low-income entitlement. |
| Data on the monitoring and evaluation of the differential approach to free school meal replacements by local authority, including uptake. |
| Data on the monitoring and evaluation of the Scottish Welfare Fund. |
| Data on the monitoring and evaluation of grants distributed to low income families via (other) hardship funds, such as the Aberlour Urgent Assistance Fund. |
| Data on the uptake, monitoring and evaluation of children, young people and their families' support in relation to digital exclusion (e.g. Connecting Scotland). |
| Disaggregated data in relation to the above. |

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| Question 4a: What qualitative evidence have you used to inform your assessment? What does it tell you? | | |
| Evidence collected | Evidence source | Explanation of the importance |

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| Supporting Vulnerable Children and Young People Data Intelligence Report (10th April 2020) (See also report 15 May 2020) | Scottish Government (2020t, 2020u) | This report provides a commentary about the impact of the COVID-19 outbreak on vulnerable children and families in Scotland, in the initial weeks of lockdown, and the way that services are adapting and responding to the crisis. It gives data on the numbers of 'vulnerable' children who are attending hubs. For example, it shows that approximately 5,000 children and young people attended hubs over the course of one week in April for a free school meal, and around half that number attended during the Easter holiday break. The May report provides additional information. |
| Parents' and children's experiences of school closures – latest survey findings 20 May 2020 | Child Poverty Action Group (CPAG) and Children North East (2020) | CPAG's UK Cost of the School Day project launched two surveys aiming to understand how families across the UK are experiencing school closures, particularly when living on low incomes. Through hearing directly from children and families, they plan to identify what support from schools and LAs is proving useful, and what more could be done to help during this time. |
| Coronavirus Times Journals | Children's Parliament (2020b, 2020c, 2020d) | This is an online magazine that has 12 Members of Children's Parliament (MCPs), aged between 8-14 years old, as journalists. They write about the impact that the coronavirus is having on children's lives, their health and wellbeing, and about learning in lockdown and the return to school. |
| Issues for parents during the Coronavirus outbreak. Edinburgh: Parenting Across Scotland. | Parenting Across Scotland (2020) | This research asks parents about the issues they face during the COVID-19 crisis measures. |
| Early insights into the COVID-19 response | Children's Neighbourhood Scotland (CNS) (2020) | CNS is undertaking a programme of research and intelligence gathering in high poverty settings across Scotland that seeks to understand how local responses are working in the current rapidly changing context and provide insights that can support the next phase of COVID-19 action at both local and national levels. |

Question 4b: What key missing information / evidence would have been beneficial to your analysis?

Qualitative evidence from children and young people on how they have received their free school meal replacement, what they have felt about that, the nutritional quality, and the wider impacts on their families.

Qualitative evidence from children and young people from groups at risk of digital exclusion, of their experiences of Connecting Scotland and other programmes, and their experiences of accessing and using resources digitally.

Qualitative evidence on children's and families' information about and experience of using early years and school hubs, including any barriers to information and using the hubs.

Qualitative evidence from children, young people and their families who have a condition of 'no recourse to public funds' in regards to their immigration status, in terms of their experiences of the COVID-19 measures and the repercussions, and particularly their information about and experiences of accessing support, including any barriers to accessing such support.

Question 5: Has a broad range of relevant stakeholders, specifically groups of children and young people, been consulted directly by the body who initiated the measure (e.g. Scottish Government)?

It is not always evident from available documentation what consultations have taken place. From documents and further information gathering, children and young people were not directly consulted for the measures referred to in this CRIA.

For some COVID-19 measures not included in this CRIA (**see Question 1**), information gathered pre-COVID-19 from children and young people was used to inform decisions as well as other evidence. Adult stakeholders and their organisations were consulted for some measures.

Further information on the developing engagement between Scottish Government and adult stakeholders and their organisations is available in Scottish Government (2020u).

| Groups consulted | If group consists of children and young people | | Results of consultation | | |
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| | Was an age appropriate consultation process | Please provide a brief description of process | What were the findings? | What is the significance to the development of the measure(s)? | |
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| | | used? Yes or No | | | |
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Question 6: Has evidence from third party consultations with children and young people been considered in the development of the measure(s)?

It is not always evident from available documentation what evidence has been considered in developing the measures. Details that are known of such consultations are included below.

Adult stakeholders and their organisations were consulted for some measures, who provided information about and from children and young people. Certain evidence from children and young people is referred to within the documents.

Further information on the developing engagement, between Scottish Government and adult stakeholders and their organisations, is available in Scottish Government (2020u).

| Groups indirectly consulted | External source | | Please provide a brief description of process | Results of consultation | |
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| | Source of information | When information collected | | What were the findings? | What is the significance to the development of the measure(s)? |
| Excellence and Equity during the COVID-19 Pandemic – a strategic framework for reopening schools, early learning and | Children and young people | How are you doing? online survey with children aged 8-14 (April 2020) | April 2020 | The framework (Scottish Government, 2020e) references Children’s Parliament’s How are you doing? online survey with children aged 8-14 (Children’s Parliament, 2020a) | They present findings from the survey that “being indoors more and learning at home also impacts on the physical and mental health of children”. |

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| childcare provision in Scotland | | (Children's Parliament, 2020a) | | | |
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STAGE 3: ASSESSING THE IMPACT

| Question 7: What impact will (or does) the measure(s) have on children and young people's rights? | | | |
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| Measure | Type of impact | Justification for Argument | Likely or actual short/medium/long-term outcomes |
| The Social Security (Coronavirus) (Further Measures) Regulations 2020 No. 371 | Positive and Negative | <p>On the whole incomes to families have been increased where they were already in receipt of social security benefits. While this is welcome, the uplift means many families will still experience hardship. An out of work family with two children, for example, will still be left 20% below the poverty line (CPAG, 2020).</p> <p>In Scotland, the number of monthly 'new starts' on Universal Credit usually ranges between 10,000 and 20,000; in April 2020, this number jumped to over 90,000 (Fraser of Allander Institute, 2020a). Thus, many families will be experiencing the poverty induced by the low level of benefits for the first time.</p> <p>While the recognition that families need more money is welcome, this measure, and Scottish Government actions (e.g. delaying the Scottish Child Payment, which aims to reduce child</p> | <p>The relaxing of the benefit conditionality and the increase in awards should be carried forward throughout and beyond the pandemic.</p> <p>It is likely that these advances are temporary and that the additional funds and reduced conditionality will be withdrawn again. This would be hugely problematic for families.</p> <p>Families' incomes will worsen over the coming months and possibly beyond. It may have a</p> |

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| | | <p>poverty), will have a negative impact on the rights of children and young people living in, and at risk of living in, poverty.</p> | <p>counterintuitive effect on relative poverty. With an overall decrease in family incomes, the median income will likely decrease, and it may appear that fewer people are below 60% of the median, which is the current relative poverty measure. It will be important to pay attention to the absolute poverty rate at this time.</p> |
| <p>Coronavirus (COVID-19): school and early learning closures – guidance about key workers and vulnerable children</p> | <p>Positive and Neutral</p> | <p>This measure does not define vulnerability well and conflates poverty with broader ‘vulnerability’ such as child protection issues.</p> <p>This measure sets out guidance to support LAs to enable them to continue to provide free school meals. There is no standardised Scotland-wide approach, with LAs being given the funds to respond to what they decide their local need is. There is a risk that the needs of children and families take second place to what the authority feels is the appropriate level and method of support. There is evidence of some LAs not trusting families living in poverty to feed their children if they were to receive cash and so giving families a non-monetary replacement for an eligibility based on low income (see Question 12). This is problematic for children</p> | <p>Efforts are being made to ensure children and young people are able to access food – through free school meals – and support through the hubs. This is seeking to ensure that children and young people’s rights are met, in regard to adequate standard of living and education.</p> <p>Evidence suggests (see Question 7) is that this access has not been sufficiently available. Children and young</p> |

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| | | <p>and young people's rights to an adequate standard of living.</p> <p>There appears to have been no consultation with children and young people on their views and concerns on the best way to access and use these. Without consultation, children and young people's participation rights are not met.</p> | <p>people's education rights, as well as the right to adequate standard of living, may thus have been compromised.</p> |
| <p>Coronavirus (COVID-19): food fund guidance for LAs</p> | <p>Positive and Negative</p> | <p>This measure sets out guidance to support LAs to enable them to continue to provide free school meals. (See analysis above for Scottish Government, 2020m.)</p> <p>Even though the guidance itself is thoughtful, comprehensive and understanding of the issues facing children, young people and their families living in poverty, without an approach across Scotland that guarantees children and young people the resources they need to access their schooling, they will not be able to fully experience their rights to an adequate standard of living.</p> <p>There appears to have been no consultation with children and young people on their views and concerns on the best way to receive free school meals and otherwise access to nutritious and sufficient food. Without consultation, children and young people's participation rights are not met.</p> | <p>As above.</p> |
| <p>Coronavirus (COVID-19):</p> | <p>Positive and Negative</p> | <p>This is a comprehensive document that really engages with the issue of digital access for</p> | <p>Efforts are being made to ensure children and young</p> |

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| <p>supporting pupils, parents and teachers – learning during term 4</p> | | <p>online learning. Children and young people should be able to experience their rights to allow them the resources to develop to their full potential so long as LAs and individual schools are not able to take an individualised approach that means there is no equity for children across Scotland.</p> <p>There is however a risk of digital exclusion, due to the reliance on such methods to access learning. There is no standardised Scotland-wide approach; LAs are being given the funds to respond to what they decide their local need is. Families report many problems in relation to digital access: lack of devices, only having phones to access the internet, not having/being able to afford electricity to charge devices and run Wi-Fi routers, not having Wi-Fi, among others (e.g. indicative evidence from One Parent Families Scotland, 2020; Parenting Across Scotland, 2020). Children and young people in different household settings may not have access, such as those in temporary accommodation, in domestic abuse refuges or in care settings (see Appendices 7 and 9, and <i>Who Cares? Scotland</i>, 2020). Without an equitable approach for all children and young people across Scotland, children will not be able to access or experience their rights, even if the government measure is sympathetic.</p> | <p>people are able to access learning resources in term 4.</p> <p>There are considerable concerns that pre-COVID-19 inequalities by such factors as migration status or poverty will have been exacerbated by the reliance on digital learning. (See Question 8) This would lead to inequalities, which would discriminate against certain groups of children and not meet their rights to education.</p> <p>Limited or no consultation is does not fulfil children and young people’s rights to participate.</p> |
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| <p>Excellence and Equity during the COVID-19 Pandemic – a strategic framework for reopening schools, early learning and childcare provision in Scotland</p> | <p>Positive and Negative</p> | <p>This measure sets out how there will be transition back to a greater level of face-to-face education in schools and early learning and childcare settings as soon as this is able to happen safely. It is based upon a blended model of in-school and in-home learning for school-age children, and prioritisation of access to contact time in early learning and childcare.</p> <p>This is thoughtful guidance that recognises that the current situation is likely to disproportionately affect the most disadvantaged children and young people in Scotland.</p> <p>There appears to have been no consultation with children and young people on their views and concerns on the best way to return to school so it has been imposed in a top-down fashion.</p> | <p>The move to blended learning may improve the above, in children and young people more universally being able to access at least some school in person.</p> <p>However, the reliance on digital learning will continue.</p> <p>Limited or no consultation is does not fulfil children and young people’s rights to participate.</p> |
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| Question 8: Will there be (or are there) different impacts on different groups of children and young people? | | | |
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| Measure | Group of children affected | Initial analysis of the positive impact on rights | Initial analysis of the negative impact on rights |
| <p>The Social Security (Coronavirus) (Further Measures) Regulations 2020 No. 371</p> | <p>Children and young people living in poverty</p> | <p>See Question 7. This measure could have positive impacts on children and young people’s rights to social security and an adequate standard of living may improve.</p> | <p>There are likely to be differential impacts on young carers, disabled children, those with no recourse to public funds, children in temporary accommodation and Gypsy/ Traveller children. It is not clear how they are covered in the measures. There does not appear to have been</p> |
| <p>Coronavirus (COVID-19): school and early learning closures –</p> | <p>Children who are ‘vulnerable’</p> | <p>See Question 7. Children and young people who access these hubs may benefit from support of</p> | |

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| guidance about key workers and vulnerable children | | their rights to education, an adequate standard of living and other protective and preventive services (see also Appendices 6 and 8). | any consultation with these groups on the best means to give them access to their rights. This is a major gap. |
| Coronavirus (COVID-19): food fund guidance for LAs | Children and young people who are living in poverty or otherwise have food insecurity | See Question 7. Children and young people's rights to an adequate standard of living may be supported. | Most of the measures set out by Scottish Government relating to child poverty, food and digital exclusion state that LAs will make the decisions on local provisions based on local need. This means that for all children living in poverty, including the above groups, there is likely to be a differential impact based on geography. |
| Coronavirus (COVID-19): supporting pupils, parents and teachers – learning during term 4 | Children who are 'vulnerable', who are living in poverty or otherwise have food insecurity. | See Question 7. Children and young people's rights to an adequate standard of living may be supported. For children and young people who are able to access learning resources digitally (and who are not attending hubs), their education rights will be supported. | |
| Excellence and Equity during the COVID-19 Pandemic – a strategic framework for reopening schools, early learning and childcare provision in Scotland | Children who are 'vulnerable', who are living in poverty or otherwise have food insecurity. | See Question 7. Children and young people's rights to an adequate standard of living may be supported. For children and young people who are able to access early learning and childcare provision and schools in person will be able to benefit from the education and other services available at schools when attending. For children and young people who are able to access learning resources digitally (and who are not attending hubs), their education rights will be supported. | |

Question 9: If a negative impact is identified for any area of rights or any group of children and young people, what are the options to modify the measure(s), or mitigate the impact?

| Measure | Negative impact | What options are there to modify the measure(s) or mitigate the impact? |
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| The Social Security (Coronavirus) (Further Measures) Regulations 2020 No. 371 | As discussed in Question 8 | <p>The measures could be modified, especially in the case of a future lockdown, by undertaking consultation with the groups likely to be excluded, including care experienced young people, young carers, disabled children, those with no recourse to public funds, children in temporary accommodation and Gypsy/Traveller children. These groups would know the best ways to secure their rights, modify the measures and mitigate the impacts on them.</p> <p>The measure could be modified by requiring LAs and schools to take a standardised approach to free school meals and resources for digital access. Scottish Government did this to great effect in relation to the School Clothing Grant in 2018 where they set the rate across Scotland at £100 per child. Prior to this some LAs were giving as little as £20 per award and others were giving a more generous £110 per award. A standardised approach and a guarantee of resources are needed to ensure all children are treated fairly and equally.</p> |
| Coronavirus (COVID-19): school and early learning closures – guidance about key workers and vulnerable children | | |
| Coronavirus (COVID-19): food fund guidance for LAs | | |
| Coronavirus (COVID-19): supporting pupils, parents and teachers – learning during term 4 | | |
| Excellence and Equity during the COVID-19 Pandemic – a strategic framework for reopening schools, early learning and childcare provision in Scotland | | |

Question 10: To what extent does the measure(s) address Scottish Government’s obligation to respect, protect and fulfil the rights enshrined in the UNCRC in Scotland?

| Measure | UNCRC provision(s) being further implemented through measure | Describe how the effect will be attained through the measure | UN Documents used to make the assessment |
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| Excellence and Equity during the COVID-19 Pandemic – a strategic framework for reopening schools, early learning and childcare provision in Scotland | Articles 2, 3, 4, 6, 23, 28 and 29 | See responses for these measures in Questions 7-9. | On poverty, education and digital divide: UN Committee, Concluding Observations 2016a ; UK should “Enhance its efforts to reduce the effects of the social background [...] of children on their achievement in school and to guarantee the right of all children to a truly inclusive education in all parts of the State Party ...” (Para: 73(a)). UN Committee, COVID-19 Statement 2020 ; Recommendation 3 |
| Coronavirus (COVID-19): school and early learning closures – guidance about key workers and vulnerable children | Articles 2, 3, 4, 6, 23, 24, 27, 28 and 29 | | On nutrition and school meals: UN Committee, Concluding Observations 2016a ; range of recommendations to UK including: “Regularly monitor and assess the effectiveness of policies and programmes on child food security and nutrition, including school meal programmes and food banks, and programmes addressing infants and young children” (Para: 67) UN Committee, COVID-19 Statement 2020 ; Recommendation 4. |
| Coronavirus (COVID-19): food fund guidance for LAs | Articles 2, 3, 4, 6 and 24 | | On standard of living and welfare reform UN Committee, Concluding Observations 2016a (Para: 71) |
| Coronavirus (COVID-19): supporting pupils, parents and teachers – learning during term 4 | Articles 2, 3, 4, 6, 23, 24, 27, 28 and 29 | | |

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| | | | <p>On participation UN Committee, Concluding Observations 2016a (Para: 31) UN Committee, General Comment No. 12 – children and young people’s participation (2009): Paras: 125-126 underline that right to be heard does not cease in emergency situations or their aftermath. Children and young people should be encouraged and enabled to participate in analysing their situation and future prospects.</p> <p>On child rights-based budgeting: UN Committee, Concluding Observations 2016a; “In accordance with Article 4 of the Convention [...] the Committee urges the State party to allocate the maximum extent of available resources for the implementation of children’s rights, with a special focus on eradicating child poverty and reducing inequalities ...” The UK should, “Ensure transparent and participatory budgeting through public dialogue, including with children ...”, “Define budgetary lines for children in disadvantaged or vulnerable situations that may require affirmative social measures and make sure that those budgetary lines are protected even in situations of economic recessions” (Para: 13).</p> |
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Question 11: In what way(s) will (or does) the measure promote or impede efforts to meet the National Outcomes for Scotland for children? (see <https://nationalperformance.gov.scot/national-outcomes>) If there are GIRFEC indicators of wellbeing that are directly relevant to your response, please note these here (<https://www.gov.scot/policies/girfec/wellbeing-indicators-shanarri/>).

| Measure | Outline how the measure(s) will or do promote or impede efforts to meet the National Outcomes for Scotland for children | List GIRFEC indicators that are directly relevant |
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| <p>Excellence and Equity during the COVID-19 Pandemic – a strategic framework for reopening schools, early learning and childcare provision in Scotland</p> | <p>This measure will promote children and young people’s safety and health by following the scientific and medical advice on how and when it is safe to return to school.</p> <p>The measure may impede children and young people’s ability to realise their full potential due to the blend of in-school and in-home learning that is being proposed. This is especially the case for children and young people living in poverty and those at risk of falling into poverty who experience high levels of digital exclusion. The measure recognises this and propose ways in which this can be countered (e.g. it promises to provide digital access for pupils who do not have it at present).</p> <p>Where this may impede children and young people’s ability to realise their full potential in practice is that there is no standardised Scotland-wide approach but that LAs are being given the funds to respond to what they decide their local need is. There is a risk that the needs of children, young people and families take second place to what the authority feels is the appropriate level and method of support.</p> | <p>Safe Healthy Achieving Nurtured Active Included</p> |
| <p>Coronavirus (COVID-19): school and early learning closures – guidance about key workers and vulnerable children</p> | <p>Under this measure, ‘vulnerable’ children can attend critical childcare and learning provision, alongside the children of keyworkers, known as hubs. The allocation of places in hubs are determined by each local authority based on its own assessment of local need, which has led to a great deal of local variation. In its guidance, Scottish Government define ‘vulnerable’ children as:</p> <p><i>... children who may benefit from continuing to attend school or early learning and childcare in the current circumstances, for example those on the child protection register, those who are looked after, and those on the edge of care; those in receipt of</i></p> | <p>Safe Healthy Achieving Nurtured Active Included</p> |

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| | <p><i>free school meals who cannot be provided with meals at home; those who have complex additional support needs; and those affected by poverty and deprivation (Scottish Government, 2020m).</i></p> <p>The definition of vulnerable in this guidance is a coverall term intended to include a wide range of potentially at risk children and young people but, its lack of specificity means it groups together many conditions, such as disability, complex needs, additional support needs, child protection issues and children looked after, under one umbrella. This leads to a broad-brush approach that can miss some of those who are at high levels of risk, such as those experiencing domestic abuse (see Appendix 7) and can cause stigma to those who are not at personal risk but whose family has a low-income. This is potentially highly stigmatising to children and young people living in poverty</p> <p>This measure sets out guidance to support LAs to enable them to continue to provide free school meals. Again, there is no standardised Scotland-wide approach but that LAs are being given the funds to respond to what they decide their local need is. There is a risk that the needs of children and families take second place to what the authority feels is the appropriate level and method of support. There is evidence of some LAs not trusting families living in poverty to feed their children if they were to receive cash and so giving families a non-monetary replacement for an eligibility based on low income (see Question 12).</p> <p>This measure will likely impede efforts to meet the National Outcomes for Scotland for children living in poverty.</p> | |
| <p>Coronavirus (COVID-19): food fund guidance for LAs</p> | <p>This measure is to assist LAs to provide support to those otherwise unable to access food as a result of the COVID-19 pandemic using resources from the Food Fund.</p> | <p>Safe Healthy Respected Included</p> |

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| | <p>The measure itself is thoughtful and comprehensive. It advocates a whole household and not just a child-only approach and indicates how a cash-first approach could be implemented for free school meal replacement. This measure, were it implemented in a standardised way across Scotland, would promote efforts to meet the National Outcomes for Scotland for children. However, as above, there is no standardised Scotland-wide approach but LAs are being given the funds to respond to what they decide their local need is. There is a risk that the needs of children and families take second place to what the authority feels is the appropriate level and method of support. There is evidence of some LAs not trusting families living in poverty to feed their children if they were to receive cash and so giving families a non-monetary replacement for an eligibility based on low income (see Question 12).</p> <p>This measure will likely impede efforts to meet the National Outcomes for Scotland for children living in poverty.</p> | |
| <p>Coronavirus (COVID-19): supporting pupils, parents and teachers – learning during term 4</p> | <p>This measure will promote children’s safety and health by following the scientific and medical advice on how and when it is safe to return to school. It will also, if properly implemented, ensure children living in poverty are included and achieving, and more able to reach their full potential.</p> <p>As before it recognises the importance of digital connectivity to the ability of all children to access their education remotely and to realise their full potential. It also proposes other learning resources and activities, including books, television, radio, and creative activities that will help with learning at home. This measure gives the most extensive guidelines to support digital learning and is well-developed and comprehensive.</p> <p>Although this measure also advocates LAs making decisions on what to provide and how at the local level, early indicators are that families are</p> | <p>Safe Healthy Achieving Nurtured Active Included</p> |

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| | <p>being entrusted with digital devices and much support to ensure equity for children living in poverty (see Question 12). What is less clear is how other key groups of children – e.g. young carers, disabled children, those with no recourse to public funds, children in temporary accommodation and Gypsy/Traveller children – are accessing the digital resources and support.</p> | |
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STAGE 4: CONCLUSIONS AND RECOMMENDATIONS

Question 12: Please provide a summarised overview of your key findings on the impact of the measure(s) on children and young people’s rights, addressing two aims of the Alternative CRIA:

- to observe and document children’s human rights issues;
- to learn from this both in positive and negative developments

Poverty, social security and an adequate standard of living

UNCRC Articles 26 and 27 state children and young people’s rights to benefit from social security and to have a sufficient standard of living to support their development. Further, according to the UN Committee, these must be protected in times of economic recession; ensuring allocations are made in children’s best interests (2016a and b, 2020). There are measures, both positive and negative, by UK and Scottish Governments that impact on these rights.

UK Government introduced the Job Retention Scheme (JRS), which enables employees on furlough to receive 80% of their wages (up to a cap of £2500 per month) paid by UK Government. A similar scheme was introduced to protect the incomes of those who are self-employed. By 12 May 2020, 7.5 million jobs in the UK had been furloughed by 935,000 employers (HM Treasury, 2020). It is estimated that 750,000 employees in Scotland will benefit from the Job Retention Scheme (IPPR, 2020). The JRS will prevent or delay both job losses and the need to apply for social security benefits, which are far less generous. This will protect some families’ incomes and thus allow children and young people to experience their rights to a sufficient standard of living, which will in turn support their development (UNCRC Article 6). Other families will struggle to manage on 80% of their pay. Yet others may not have been furloughed but may have had their hours cut, causing a significant drop in income. A UK survey by the Resolution Foundation found that one-third of lowest paid employees had been furloughed, lost their jobs or had their hours cut due to COVID-19, compared to 16% of the highest paid (Gardiner and Slaughter, 2020).

In spite of the JRS, seven million households (a quarter of all households in the UK) report losing a significant part of their earned income as a consequence of the crisis (Kempson and Poppe, 2020). Many of these households will have children who

will face either new or deepening levels of poverty. Again, in spite of the JRS, the number of people applying for Universal Credit has increased hugely, either because they have lost their job or because their hours have been reduced. At a UK level there were 1.5 million claims made for Universal Credit between 13 March and 9 April 2020; this is over six times more than in the same period last year (Department of Work and Pensions, 2020). In Scotland, the number of monthly 'new starts' on Universal Credit usually ranges between 10,000 and 20,000; in April 2020, this number jumped to over 90,000 (Fraser of Allander Institute, 2020a). As many families will be navigating the complex social security system for the first time, differential access to information and means of accessing this information (digital inequality) will also have an impact on children and young people's ability to access and experience these rights.

Those who are able to continue to work from home are already some of those who are highest paid. The retail, hospitality and leisure sectors where businesses have been ordered to close are, on average, some of the lowest paid sectors and also tend to have less job security, with more zero hours contracts and agency work. The 'accommodation and food service' sector, for example, has the lowest average pay of any sector in Scotland and, in 2019, 60% of those working in the sector earned less than the living wage (Scottish Government, 2020v). The poverty rate for people working in the sector was 28% and 41% of children in households with a worker in this sector were in poverty (Fraser of Allander Institute, 2020b). Women are more likely to work in sectors shutdown due to COVID-19 (Joyce and Xu, 2020) and therefore are likely to be facing reduced income because they have been furloughed, made redundant or had their hours reduced. Shutdown sectors also have an over-representation of women from BAME groups, migrant women, and young women (Close the Gap, 2020). The sectors shutdown due to COVID-19 puts many more children and young people at risk of poverty in the coming months and years. This is especially the case for children of lone parents, BAME and other groups at already higher risks of poverty.

Families report that they are facing increasing financial pressures and are struggling to find information about financial support options:

We're struggling as husband is a key worker and I have been made furloughed on only 80% this has took a massive hit on us as kids are eating more with being at home. Struggling to pay all credit card bills etc with zero support as not entitled to it. (Mum, Dundee) (CPAG and Child North East, 2020)

Community groups report that the demand for support in high poverty areas is increasing each day (Children's Neighbourhood Scotland (CNS), 2020). Their research shows that the boundaries between families that are coping and not coping are increasingly blurred and that families who were managing at the beginning of the lockdown period are now seeking support (CNS, 2020).

Women are less likely than men to report being able to work from home (Adams-Prassl et al, 2020). There is a risk that women will end up having to reduce their hours or leave the workforce entirely. This is a particular risk for lone parents, who are already at high risk of poverty. In Scotland, 39% of female lone parents are in relative poverty (Scottish Government, 2020v). This could lead to a longer term impact on women's participation in the labour market and increase the gender pay gap. A further risk to women is their increased likelihood of being a key worker, which brings health risks too. Prior to the COVID-19 pandemic, 39% of working mothers were key workers compared to 27% of the working population as a whole (Gustafsson and McCurdy, 2020). These increased financial and health risks to working mothers pose problems for children's access to and experience of their rights.

Other UK Government-level social security measures to enhance people's incomes during the crisis include: the wait to claim Statutory Sick Pay being removed; the Universal Credit standard allowance being increased by £20 per week; and the increase in the Local Housing Allowance. While these steps are an improvement, they will not be enough to prevent increasing levels of poverty and to protect everyone from harm. Even with the uplift to Universal Credit Standard Allowance many families will still experience hardship. An out of work family with two children, for example, will still be left 20% below the poverty line (CPAG, 2020). The rise in asylum seeker's support is only £1.85/week (Scottish Refugee Council, 2020). While improved social security is welcome it has not been extensive enough to ensure children and young people's rights to an adequate standard of living.

Scottish Government recognises that 'parents are worried about reducing personal income, rent arrears and other financial commitments, and about the potential impact of the crisis on their future financial status' (Scottish Government, 2020t: 7). However, so far, Scottish Government has delayed the introduction of the Scottish Child Payment, aimed at reducing child poverty, owing to the crisis. Apart from providing an alternative to free school meals, there have been few specific interventions aimed at supporting family incomes in Scotland. This risks increasing the risk of and the depths of poverty for children and young people.

Food insecurity

Children and young people require adequate and nutritious food, as part of their survival, health and development rights (UNCRC Articles 6 and 24), which was underlined by the UN Committee in its Concluding Observations to the UK (2016a, **see Question 10**). Aspects of the response effort around emergency food need to be better communicated, co-ordinated and more sustainable, according to a number of organisations: Child Poverty Action Group (2020), Food Foundation (Loopstra, 2020), the Poverty Alliance (2020) and the Research Institute for Disabled Consumers (2020).

A survey for Citizens Advice Scotland (CAS) found that a third of people in Scotland are currently concerned about paying for food and essentials (Mark Diffley, 2020). This is far greater than the nine percent of people who reported experiencing food insecurity in Scotland in 2018 (Scottish Government, 2018). This suggests that worries about having enough to eat are extensive and also being experienced by people who may not have previously felt pressure on their finances.

Survey data from the Food Foundation (2020) estimates that over 600,000 (14%) adults in Scotland are currently facing food insecurity. The UK-wide survey estimates that for the UK as a whole 8.1 million people (16%) were facing food insecurity. Of these, 21% did not have enough money to buy adequate food supplies, 50% were unable to get the food they needed from the shops due to shortages and 25% were unable to leave their homes and had no other way to get the food they needed (Loopstra, 2020). Indicative research from the Trussell Trust finds 122% more food parcels going to children, in comparison to the same period in 2019 (this is a UK-wide figure, Trussell Trust and IFAN, 2020). This increasing food insecurity will inhibit children and young people's food security and their rights to health and an adequate standard of living.

Free school meals (FSMs)

The UN Committee (2020) states the States Parties should 'activate immediate measures to ensure that children are fed nutritious food during the period of emergency, disaster or lockdown, as many children receive their only nutritious meal through school feeding schemes' (p. 1, Recommendation 4).

The sole criterion for eligibility to FSMs in Scotland, outwith the universal entitlement for Primary 1-3s, is low income. In Scotland it is estimated that 24% of children (230,000 children each year) live in poverty (Scottish Government, 2020w). No data are provided on the number of children eligible for a FSM in Scotland, although 260,750 pupils were registered for one in 2019 (Scottish Government, 2020x). It should be noted that this figure includes those children with a universal entitlement due to being in Primary 1-3. Scottish Government does not collect the definitive number of children in Scotland eligible or registered to receive a FSM due to low income alone. In 2019 this number is estimated, by the author, from the Healthy Living Survey, at approximately 124,000 (Scottish Government, 2019).

The evidence-based response to an eligibility based exclusively on low income is to increase income: that is, to provide cash to families of children eligible for FSMs. This would also be the most dignified and non-stigmatising response. Scottish Government's guidance on 'key workers and vulnerable children' (2020m) emphasises that LAs are responsible for their own systems for supporting the families of children who receive FSMs during the COVID-19 crisis and it says little about a cash-first method of delivery. It has not required LAs to have a standardised response; instead it emphasises that local 'authorities

are taking a 'blended approach' to how the free school meal is provided, reflecting local circumstances' (Scottish Government, 2020t: 7).

However, also as part of the emergency crisis measures, Scottish Government announced a £70 million 'Food Fund' of which £15 million is ring-fenced to be allocated to LAs to support the delivery of their FSM provision. The 'Food Fund' guidance (Scottish Government, 2020p) emphasises that this £15 million is being given to LAs to support families whose children are eligible for FSMs, stating that the entire households' food needs are to be considered and not just the child's and it highlights a cash-first approach. The guidance states that a straightforward way of doing this would be to identify eligible families using school clothing grant data and make the payment into the same bank account used for that. Eligibility for the school clothing grant varies by local authority and can be wider than that for FSMs; however, the families eligible for SCG undoubtedly also have a low-income and so this broader approach would be more inclusive. It has the added advantage of requiring no new data nor administrative processes. However, with no requirement to do this, nor a standardised approach set out by Scottish Government, LAs are free to take any approach they wish. The differences in the local approaches will lead to differential access to food for children and their families and a difference in accessing their rights, creating inequalities and potential discrimination (UNCRC Article 2).

In spite of the evidence supporting a cash-first approach, many LAs have imposed a non-monetary approach to FSM eligibility suggesting that they do not trust families to buy food for their children if they were to give them money. For an eligibility based on income, only 10 out of 32 LAs' first response is to give money to families to replace FSMs, correct as of 12 May 2020 (Treanor, 2020a (not yet published)).

What is clear is that there is no uniform approach to the delivery of free school meal replacements. The frequency of payments also varies, with payments being made weekly, fortnightly or even monthly (Treanor, 2020a (not yet published)). In exploring local authority websites there were not always links to apply for FSM, which will make applying for FSMs difficult for those who may now be eligible due to COVID-19. There is variation in the daily amounts given to replace FSMs. This is especially important as LAs have received additional funding from the Food Fund to ensure there is a whole household and not just a child-only approach. The amounts vary from a low of £2 to a high of £4 per child per day. Another aspect to note is those LAs whose approach is to deliver meals to children's homes. This approach levies an additional and unnecessary financial and environment cost as it requires transport, drivers and fuel. One local authority requires eligible families to opt-in to the FSM replacement provision even though families would have been eligible prior to COVID-19. Of those LAs that provide vouchers, some are providing vouchers for a frozen foods shop which does not have a large number of shops across

Scotland. This incurs additional costs in travel to the shop, in storing the food and in defrosting and cooking the food. It also precludes the purchase of fresh fruit and vegetables for children and young people.

Families on low incomes report that free school meal provision is extremely important during school closures and that they help with additional costs. Parents made it clear, though, that cash payments were by far the preferred option, with many parents describing difficulties with vouchers:

Cash payments takes the embarrassing factor out of it. We don't need to queue for food bags or receive vouchers. We don't feel ashamed for needing help this way. (Mum, Angus). (CPAG and Child North East, 2020)

There are no publicly available data on monitoring and evaluating LAs' differing approaches to providing FSMs; for example, no data are collected on the cost of the different schemes, taking all factors into account, like transport costs.

Families should be offered a choice in how they receive their FSM provision, with the first option being a direct cash payment. Furthermore, young people aged 16-17 could have the eligibility paid directly to them via an increase in their Education Maintenance Allowance entitlement, should they receive it. There are different options, and a blend of options, that can be utilised to give children, young people and their families choice, dignity and respect.

The main impact of a non-monetary response to providing the FSM eligibility is that children and young people may not take up their eligibility. In Port Talbot there was a 300% increase (from 1,000 to 4,000 pupils) in the uptake of FSMs during the COVID-19 crisis when the provision changed from food collection to cash (Neath Port Talbot Council, 2020). In England, 63% of the households with children (aged 8-16) eligible for FSMs report receiving a substitute (Food Foundation, 2020); similar data are not publicly available for Scotland.

Digital Inequalities

Strong links have been found between traditional social exclusion and digital exclusion. The factors associated with no access to digital technologies are: low levels of education, having a disability, being female, being a lone parent and being unemployed (Helsper and Reisdorf, 2016). While these findings pertain to the adult population they have implications for the children and young people of those adults; for example, lone parents are more likely to have lower levels of education, to live in poverty and to have a disabled family member in the household (Treanor, 2020b). This suggests that children and young people in lone parent families are even more likely to be multiply deprived and digitally excluded at home. Such concerns can

be extended to other groups of children and young people, such as those who are refugee or asylum seekers, who are living in care placements, or in Young Offender Institutions (see **Appendices 6 and 9**).

Children and young people in low-income groups are also more likely only to have internet access via mobile phones, rather than a fixed broadband connection in the home (for evidence overview, see Sanders, 2020). Across the UK, 36% of 16-24-year olds live in mobile-only households, which increases the risk of their and their families' digital exclusion (Bowyer, 2019). Children and young people living in low-income households are also less likely to own the hardware necessary to access the online world (Bowyer, 2019).

During the COVID-19 crisis, digital access, both to devices and to the internet, is an issue for many children and young people expected to access online learning (CNS, 2020). Parents and carers note that the lack of resources for learning at home, including digital devices, printers and stationery is causing a barrier to their children's learning (CPAG and Child North East, 2020: 1). Comments from CPAG and Child North East's (2020: 2) research include:

I share the desk top with my brother for his homework too. He is in primary school. I miss my laptop from school because I am dyslexic & it helps me more. I miss my teachers because they can help me better, especially when I'm not confident in what I'm doing. I miss my friends a lot. (Girl, aged 12, Inverness)

Every week my teachers they printed all my home work for me. So I just go and pick it up. It is because at home we don't have internet and I don't have laptop to do my work. They are always phone my mum to see if I'm ok. Thank you for checking if I'm ok or I need anything. I can't wait to see you all. (Girl, aged 6, London)

My child is losing out on work due to no internet access at home. My child is becoming an unmotivated child. And as a single mum I am trying to encourage her alone. (Mum, Liverpool)

Even if some computer hardware were available, some children and young people report competition for resources where families only have one laptop, which parents often need to work from home. One girl reports: "I have to share a laptop with my mum as we only have one" (Girlguiding UK, 2020: 6).

As well as issues with accessing what is necessary to study at home, a survey of children aged 8-14 shows that being indoors more and learning at home also impacts on the physical and mental health of children (Children's Parliament, 2020a, 2020f). There should be some thought not just to the ability of working from home, but also what expectations are placed on children,

young people and their families, especially those whose parents/ carers may lack confidence in their ability to help with their child's schoolwork. There are further concerns about some parents and carers' ability to support their children due to their own literacy or other skills. Scottish Government are aware that parents 'are not clear about expectations for managing their own work responsibilities when children are at home' and that they "want employers to be flexible and understanding at this time, as parents working from home may not be able to be as productive as usual" (Scottish Government, 2020t: 6). It would be useful for Scottish Government to give clear guidance, also delivered in a format that is accessible to children and young people, on the expectations of children, young people and parents/ carers in relation to home schooling and to employers on the inevitability of the reduced productivity of parents/ carers trying to work from home while also home-educating.

It has also been reported that there are fuel implications of charging devices at home. This is in addition to additional fuel use due to children and young people being at home all day. Families report needing to have the heating set higher, or have it on, when it might normally be off (Parenting Across Scotland, 2020).

The UN Committee (2020) states that States Parties should:

Ensure that online learning does not exacerbate existing inequalities or replace student-teacher interaction. Online learning is a creative alternative to classroom learning but poses challenges for children who have limited or no access to technology or the Internet or do not have adequate parental support. Alternative solutions should be available for such children to benefit from the guidance and support provided by teachers (Recommendation 4, p. 1).

Scottish Government are aware that a significant number of children and young people "do not own personal devices, or use smartphones with 'pay as you go' cards and limited data packages" (Scottish Government, 2020t: 7). Measures put in place by the Scottish Government to ameliorate children's digital exclusion include £30 million to provide laptops for disadvantaged children and increased attainment challenge funding to support children from more deprived backgrounds who have less access to in-home learning resources. This helps meet children and young people's participation rights as well as educational ones, under the UNCRC.

Scottish Government guidelines recognises that 'in-home learning takes many forms (including support from families) and is by no means all IT based, an approach to digital learning should be implemented to mitigate negative impacts on equity. This will specifically focus on providing digital access for pupils who do not have this at present' (Scottish Government, 2020e).

These are welcome developments from Scottish Government to reduce digital inequalities for children living in poverty. This should go a long way to enable them to experience their right under Article 27 to have the resources to support their development. **(See also Appendix 3)**

Children and young people's participation

The UN Committee (2020) states that States Parties should “Provide opportunities for children’s views to be heard and taken into account in decision-making processes on the pandemic. Children should understand what is happening and feel that they are taking part in the decisions that are being made in response to the pandemic” (Recommendation 11, p. 2). This relates to numerous participation rights, from UNCRC Articles 12, to 13-17.

Research by Girlguiding UK (2020: 8) says that young people aged 11 to 18 report gaps in obtaining the information they need:

- 90% want more information about what to expect in the future, such as the reopening of schools
- 65% would like to know where to get trustworthy information for children and young people
- 61% would like more information directly from the government to children and young people
- 48% feel all the advice and information about coronavirus is for adults

“The government need to help us and tell us what is going on in child-friendly terms.” (Girl, aged 11-14) (Girlguiding UK, 2020: 8)

Scottish Government note that “the perspective of children and young people has not been available through schools and the other normal routes” (Scottish Government, 2020: 8). As of this point in time (31 May 2020) no mechanisms have been put in place to allow children and young people to express their views and concerns on the COVID-19 emergency measures, although we understand that these are under discussion.

Children and young people’s participation risks being side-lined in the emergency nature of the measures. There are opportunities now to ensure that these rights are duly recognised and supported, which will in turn enhance their other rights to prevention, provision and protection (see UN Committee (2009)).

Question 13: Based on your key findings what recommendations should be made and to whom should they be addressed?

| Summary of recommendation | Body addressed to (e.g. Scottish Government) |
|---|--|
| <p>In order to meet UNCRC Articles 6, 26 and 27, recommendations for social security and to address poverty are:</p> <ul style="list-style-type: none"> • Ending the benefit cap, • Removing the two-child limit, • Increasing child benefit, Universal Credit child element and child tax credits, • Introducing non-repayable Universal Credit advance payments, • Reducing the Universal Credit Taper Rate, • Introducing a Universal Credit Work Allowance for all who do not currently meet the criteria for the existing Work Allowance, • Increasing the level of legacy benefits by £20 a week • Uprating the entitlement of under 25s to the same rate as over 25s, this would also ensure that young single parents and their children, who are already at significantly higher risk of living in poverty, are better supported and that they are not pulled deeper into hardship. • Increasing Local Housing Allowance to cover median rents, • Increasing asylum support by £20 a week • Ending the No Recourse to Public Funds (NRPF) system • Investing in an emergency package of financial support for families on low incomes, • Ensuring the Scottish Welfare Fund responds more flexibly to needs, • Monitoring Scottish Welfare Fund uptake and performance • Ensuring rapid updates are made to all public information on the Scottish Welfare Fund | <p>UK and Scottish Governments</p> |

| | |
|---|---------------------|
| (as set out by the Scottish Campaign on Rights to Social Security briefing: COVID-19 and social security May 2020) ³ | |
| Cancel the delay to the Scottish Child Payment | Scottish Government |
| Increase funds to families in Scotland through, for example, providing a top-up to child benefit or through alternative mechanisms | Scottish Government |
| Make it a statutory requirement that all LAs should provide a choice in how to receive the free school meal entitlement with cash being the first option. | Scottish Government |
| Make it a statutory requirement that the free school meal replacements cover children whose families have no recourse to public funds. | Scottish Government |
| Make it a statutory requirement that free school meal replacements continue throughout the summer holidays. | Scottish Government |
| Make sure children at risk of digital exclusion have what they need to undertake school work at home, including data packages and money for electricity for charging laptops etc. Make this a standardised statutory response so that children across Scotland are treated equally. | Scottish Government |

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|---|--|
| Question 14: The COVID-19 response is likely to have several phases, with varying degrees of restrictions, and uncertainty about their removal and possible re-impositions. What (if any) additional concerns about children and young people's rights do you anticipate in the coming phases? | |
| Potential concerns about children and young people's rights | What recommendations do you have that could mitigate these concerns? |
| The definition of 'vulnerable' children should there be a return to lockdown and have the early learning and childcare and school hubs. | To provide a stronger and more inclusive definition of 'vulnerable' for children's access to the hubs and ensure an equitable approach across LAs. |

³ <https://cpag.org.uk/sites/default/files/files/policypost/SCORSS%20Covid%2019%20briefing.pdf>

| | |
|--|---|
| To continue support to parents and young people who are not able to take on employment, should they be on furlough or otherwise unable to work due to restrictions on movement and business closures | To put in place the most effective means to support family and household income, should restrictions on movement and closures of business need to be slow or returned to. |
| To ensure the digital inclusion of children and young people who are currently excluded | Consultation and a rapid review with groups of children and young people most at risk of digital exclusion, to consider their current experiences of digital access (including information) within the COVID-19 support schemes and what would improve these experiences. |
| To identify ways to communicate with and involve children and young people who are digitally excluded. | To identify ways to reach children and young people who remain digitally excluded and identify means to communicate with them, particularly should restrictions on movement be reinstated. |

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