

Northern Ireland



Assembly

**Committee for the Office of the First
Minister and deputy First Minister**

Information Brief

**Prepared for plenary debate on Monday 16 November
2009**

Legislative Consent Motion – UK Child Poverty Bill

“That this Assembly endorses the principle of the extension to Northern Ireland of the Child Poverty Bill introduced in the House of Commons on 11 June 2009”.



Northern Ireland Assembly

***The Committee for the Office of the First Minister
and deputy First Minister***

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Date: 12 November 2009

To all MLAs

Legislative Consent Motion – UK Child Poverty Bill

Background

1. The following Legislative Consent Motion is scheduled for debate in the Assembly on Monday 16 November 2009.

“That this Assembly endorses the principle of the extension to Northern Ireland of the Child Poverty Bill introduced in the House of Commons on 11 June 2009”.

2. The Committee agreed to prepare a short “Information Brief” which would be sent to all MLAs in advance of the debate on Monday. This contains the Committee’s consideration of the UK Child Poverty Bill, which includes research papers, correspondence, minutes of evidence and written submissions.
3. The Child Poverty Bill was introduced in the House of Commons on 11 June 2009. The Bill can be found at:

<http://services.parliament.uk/bills/2008-09/childpoverty.html>

4. The Bill would provide a statutory basis to the commitment made by the Government in 1999 to eradicate child poverty by 2020. Its stated purpose is to give new impetus to the Government's commitment, and to drive action across departments. It also aims to define success in eradicating child poverty and create a framework to monitor progress at a national and local level.

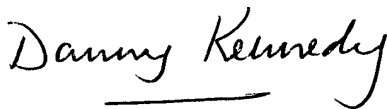
Key areas:

- places a duty on the Secretary of State to meet four United Kingdom-wide income poverty targets by the end of the financial year 2020;
- places a duty on the Secretary of State to publish a child poverty strategy evaluating progress towards the four income targets and setting out future action. The strategy, which is to be revised every three years, may make reference to measures that the devolved administrations propose to take to tackle child poverty; and
- places a duty on OFMDFM Ministers to produce an initial Northern Ireland strategy to eradicate child poverty, and a revised strategy every three years thereafter.

Consideration

5. The Committee was briefed by Departmental officials on the UK Child Poverty Bill on 1 July 2009, 16 September 2009 and 30 September 2009. The Committee was then briefed by Departmental officials on the amendments to the Bill and the legislative consent motion on 4 November 2009.
6. The Bill completed its House of Commons Committee Stage on 3 November 2009 and is awaiting a date to report to the House.
7. Included in the "Information Brief" are copies of all the documents and correspondence the Committee considered and the Minutes of Evidence. I hope you find the information useful when considering the motion.

Yours sincerely

A handwritten signature in black ink that reads "Danny Kennedy". The signature is written in a cursive style with a horizontal line underneath the name.

Chair to the Committee

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LEGISLATIVE CONSENT MEMORANDUM

CHILD POVERTY BILL

Legislative Consent Motion

The motion is:

“That this Assembly endorses the principle of the extension to Northern Ireland of the Child Poverty Bill introduced in the House of Commons on 11 June 2009”.

Background

The Child Poverty Bill was introduced in the House of Commons on 11 June 2009. The Bill can be found at:

<http://services.parliament.uk/bills/2008-09/childpoverty.html>

Content of the Child Poverty Bill

The overarching aim of the Bill is to step up efforts to eradicate child poverty. To this end, it seeks to define and set targets to eradicate child poverty in legislation, to promote measures to meet these targets, and to hold governments to account for their progress against them.

The Bill introduces measures to commit the UK Government to the eradication of child poverty. It places duties on the UK Government, the Scottish Executive and the relevant Northern Ireland department (OFMDFM) to develop three-year strategies. It also places strategic duties on Local Authorities in England. Wales is partly covered by this legislation and partly by a separate Measure, the Children and Families (Wales) Measure which was laid before the National Assembly for Wales on 2 March with a view to becoming law early in 2010.

The main elements of the Bill as introduced are that it:

- sets out four child poverty measures: relative low income; combined low income and material deprivation; absolute low income; and persistent poverty);

- sets targets against these four measures and places a duty on the Secretary of State to ensure that the targets are met;
- allows the Secretary of State to amend targets and to postpone the target year (2020) under certain circumstances;
- provides for the establishment of a Child Poverty Commission to advise on strategic and technical matters;
- places a duty on the Secretary of State to produce an initial UK strategy to eradicate child poverty, and a revised strategy every three years thereafter;
- places a duty on the Secretary of State to report on an annual basis on progress against the targets, including implementation of the latest strategy;
- places a duty on OFMDFM Ministers to produce an initial Northern Ireland strategy to eradicate child poverty, and a revised strategy ever three years thereafter;
- places a duty on the Secretary of State to continue to develop and publish strategies, and to report on progress against these strategies, if the 2020 targets are not met, and requires continued Northern Ireland Executive contribution to this process in line with pre-2020 duties; and
- places various duties on English local authorities to work to reduce child poverty and to prepare local strategies in accordance with this.

Aims of the Child Poverty Bill

6. In November 2008 The Prime Minister announced in the Pre-Budget Report that he intended to enshrine in legislation the 1999 UK Government pledge to eradicate child poverty by 2020.

7. The proposed arrangements are intended to create targets that extend into the future so that a commitment to eliminate child poverty by 2020 can be realised, and to ensure that the eradication of child poverty is a high priority for government and receives the focus that will be required to achieve the legislative targets. The Bill sets out child poverty measures and targets to ensure that the definition of success in eradicating child poverty is clear and consistent.

8. The legislation is also intended to support a co-ordinated approach to tackling poverty across the UK, and within Northern Ireland, and to build consensus and momentum on tackling child poverty.

Consultation

9. The UK Government's cross-departmental Child Poverty Unit (CPU) held a consultation from January-March 2009 over a six week period. Approximately 240 responses were received from national charities, local government and individual members of the public. A series of stakeholder events was also held to inform the consultation. CPU published a Child Poverty Consultation Report which can be found at:

<http://www.dcsf.gov.uk/everychildmatters/strategy/parents/childpoverty/childpoverty/>

10. The majority of respondents were supportive of the legislation and the Government's vision to eradicate child poverty by 2020. Some respondents highlighted the need for devolved administrations and the UK Government to engage positively to co-ordinate efforts to combat child poverty and for national and local strategies to be joined up and cohesive.

11. In Northern Ireland OFMDFM consulted informally with a number of key stakeholders including Save the Children, NSPCC, Barnardo's, CiNI (Children in Northern Ireland) and the Northern Ireland Commissioner for Children and Young People, and ensured that they were aware of the UK Government's consultation paper. The key outcomes of the consultation were reported to the Executive and the Committee for OFMDFM.

Provisions that relate to Northern Ireland

12. The Bill legislates generally for NI in the transferred field. There are also specific provisions that trigger the need for legislative consent:

- the duty on the 'relevant Northern Ireland Department' (OFMDFM) to prepare a Northern Ireland child poverty strategy setting out how

Northern Ireland will contribute to the UK-wide targets and the actions that Northern Ireland Departments will take to address child poverty in Northern Ireland;

- the requirement for the Northern Ireland strategy to be revised every three years (in line with the UK and Scottish strategies and the strategy to be prepared under the Welsh Measure on child poverty) with copies to be laid before the Northern Ireland Assembly;
- the requirement for OFMDFM to request the advice of the new Child Poverty Commission in preparing the Northern Ireland Executive's child poverty strategy and to have regard to that advice; and
- inclusion in the Bill of a right for OFMDFM to appoint a Commissioner to the new Child Poverty Commission and a clause that allows OFMDFM to be consulted by the Secretary of State on overall membership of the Commission.

13. As these provisions legislate for Northern Ireland on matters which are transferred and alter the executive competence of Northern Ireland departments, legislative consent is required.

14. An overview of the provisions included in the Bill is attached at **Annex A**.

Northern Ireland Amendments

Following consultation with the OFMDFM Committee and with the agreement of the Executive, the First Minister and deputy First Minister wrote to the UK Government requesting amendments to the Bill that would:

- recognise explicitly the role and responsibility that all Northern Ireland Departments will have in relation to the Northern Ireland strategy and reports – i.e. in setting out the measures they are taking to contribute to the meeting of targets set out in clauses 2 to 5 of the Bill and in describing the effect of those measures; and
- impose a duty on the office of the First Minister and deputy First Minister to report annually to the NI Assembly on the measures taken by the Northern Ireland departments in accordance with the Northern Ireland strategy and on the effect of those measures in contributing to the meeting of targets set out in Clauses 2 – 5 of the Bill.

Amendments to meet these policy objectives have now been tabled for consideration at Committee Stage of the Bill in the House of Commons and can be found at the web site referred to paragraph 2 above.

Financial Implications

15. It is not anticipated that the legislation will itself bring any financial implications. The strategy which arises from the legislation may have financial implications which are anticipated to be met by existing resources.

Conclusion

16. In light of our requested amendments, in respect of local reporting arrangements and the identification of the role and responsibility that Northern Ireland Departments will have made to the Bill, the view of the Northern Ireland Executive is that it is in the interests of the people of Northern Ireland to be an active participant in the UK Government Child Poverty initiative.

17. With this goal in mind the First Minister and deputy First Minister commend this Legislative Consent Motion to the Assembly.

**Office of the First Minister and deputy First Minister
October 2009**

OVERVIEW OF THE UK CHILD POVERTY BILL

Part 1: National targets, strategies and reports

Targets relating to child poverty

- Covers Secretary of State (SofS) duty to ensure that the relative, combined, absolute and persistent child poverty targets are met.
- Defines the UK targets on child poverty and provides for technical definition of the UK targets on child poverty, through regulations.

Power to amend targets

- Provides SofS with the powers to amend the persistent poverty target with the permission of the Commission, under certain circumstances.

Power to postpone target year

- Allows SofS to postpone the target year under certain circumstances.

Child Poverty Commission

- Commission's functions are set out in the Schedule to the Bill, which also specifies required level of expertise, term of office and administrative details.

Strategies and reports relating to child poverty: duties of SofS

- Sets out provisions for the **initial UK strategy**. Specifies timescale for its publication. States that it should set out the measures that the Secretary of State proposes to take, ensure that targets are met, and that as far as possible children in the UK are not affected by socio-economic disadvantage. It should also set out the progress that the SofS considers needs to be made, and intends to make.
- Sets out provisions for the **revised UK strategy**. Specifies timescale (every 3 years, beginning with the date of the initial strategy) for its publication, and specifies contents of the revised strategies.
- Sets out how the SofS must **seek the Commission's advice** on the UK strategies – i.e. that their advice must be sought in the preparation of strategies, have regard for this advice, and that the Commission must publish their advice as soon as is reasonably practical.
- Sets out that the SofS **must consult with various bodies and with Ministers in the Devolved Administrations in preparing strategies**.
- Specifies the duty for SofS to lay progress reports before Parliament. Reporting dates are each anniversary of the day that the initial strategy

was either published or laid before Parliament (to be confirmed). Each report must set out the measures taken by SofS in accordance with the most recent strategy and describe the effect of those measures on progress towards the targets. **SofS must consult with the devolved administrations in preparing these reports.**

- Specifies the duty for SofS to continue to develop and publish UK strategies, and to report on progress against these strategies, if the 2020 targets are not met.

Strategies relating to child poverty: duties of the ‘relevant NI Department’ (OFMDFM)

- Sets out **duties on OFMDFM to produce an initial strategy**, to be laid before the Northern Ireland Assembly.
- **Revised strategies** must be produced, in same terms as the UK strategies (including the provisions that apply after 2020 if the targets are not met).
- OFMDFM must seek advice from the **Commission**, under the same terms as advice to SofS.
- Covers **consultation** by OFMDFM in same terms as advice to SofS. This includes consultation with local public bodies, children and organisations working with children, and “other persons as the Northern Ireland Executive see fit”.

Economic and Fiscal Circumstances

- Economic and fiscal circumstances (and the impact of any strategies on the economy or fiscal circumstances) must be taken into account by SofS and OFMDFM when preparing strategies, and by the Commission in preparing its advice.

Duty to make regulations after the target year

- Before the end of the target year, SofS must make regulations about the effect of the targets after the end of the target year. If the targets have not been met, further strategic duties apply.

Part 2: Duties of local authorities and other bodies in England

- Places duties on local authorities and other public bodies in England to:
 - Promote co-operation to reduce child poverty in local areas
 - Prepare local needs assessments
 - Prepare local child poverty strategies
 - Prepare sustainable community strategies
- None of the duties in Part 2 apply to Northern Ireland.

Research and Library Services
Northern Ireland Assembly

Research Paper 23/09	26 February 2009
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LEGISLATIVE CONSENT IN THE NORTHERN IRELAND ASSEMBLY AND OTHER LEGISLATURES

Claire Cassidy Research Officer
Research and Library Service

<p>This paper is prepared for the Members of the Committee on Procedures of the Northern Ireland (NI) Assembly. This paper is prepared to facilitate Members' understanding of both the concept of Legislative Consent and the procedures and practices involved in the NI Assembly and other legislatures.</p>

Library Research Papers are compiled for the benefit of Members of The Assembly and their personal staff. Authors are available to discuss the contents of these papers with Members and their staff but cannot advise members of the general public.

SUMMARY OF KEY POINTS

This paper details the current procedures underpinning Legislative Consent in the Northern Ireland (NI) Assembly and other Legislatures. By reviewing the procedures and practices in other Legislatures, a number of issues have been identified which the Committee on Procedures may wish to consider further.

The following paragraphs provide a summary of those issues:

- One issue relates to the timing of a legislative Consent Motion. This is due to a number of concerns raised over the issue of significant changes being made to specific provisions of a Bill during its passage through Westminster.

- Another issue relates to criticisms which have been raised with regards to the Sewel Convention in Scotland, which the Committee on Procedures may wish to take account of during their inquiry. These concerns relate to the frequency of use of Sewel motions.

- Another issue relates to the reporting format of the relevant Committee on the UK Bill. At present in the NI Assembly a report of the Committee's considerations is given verbally by the Chair of the Committee in responding to the Minister during the motion debate itself. With regards to this issue, the Procedures Committee may wish to consider if it would be appropriate for the relevant NI Committee to report in writing to the Assembly before the Legislative Consent Motion is taken.

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INTRODUCTION

This paper has been prepared for Members of the Committee on Procedures by Research and Library Service. The purpose of this briefing paper is to facilitate the Committee's understanding of the procedures surrounding the process of Legislative Consent both in the Northern Ireland (NI) Assembly and in other legislatures. In particular this paper provides information on the following:

- a) Current procedures in the NI Assembly including those occasions where Legislative Consent Motions have been brought before the Assembly and whether there were any significant changes in the Bills in Westminster after the Motions were passed.
- b) Comparative information on the procedures used in other legislatures including Wales and Scotland, with particular reference being made to the 'Sewel Convention' in Scotland.

The Committee is currently reviewing the procedures surrounding Legislative Consent in the NI Assembly and has agreed upon the Terms of Reference for its Inquiry. These are:

- to identify those circumstances in which use of a Legislative Consent Motion is considered appropriate;
- to review the processes through which Legislative Consent Motions are introduced to the Assembly;
- to examine the arrangements for consultation with and consideration and reporting by committees of the proposed legislation and its outworkings;
- to consider the need to introduce a Standing Order to address the issues identified within the inquiry; and
- to report to the Assembly making recommendations, as necessary, on the findings of the Committee on Procedures.

In general terms, Legislative Consent refers to the agreement given by a devolved administration to allow the UK Parliament to legislate on an issue which the devolved administration would have regular legislative authority over (i.e. a devolved/ transferred matter). The UK Government, the Scottish Ministers, the Welsh Assembly Government and the Northern Ireland Executive have agreed a Memorandum of Understanding (MOU) setting out the principles that underlie relations between them with regards to this process. The MOU between the UK Government and the devolved administrations states:

*"The United Kingdom Parliament retains authority to legislate on any issue, whether devolved or not. It is ultimately for Parliament to decide what use to make of that power. However, the UK Government will proceed in accordance with the convention that the UK Parliament would not normally legislate with regard to devolved matters except with the agreement of the devolved legislature. The devolved administrations will be responsible for seeking such agreement as may be required for this purpose on an approach from the UK Government."*¹

¹ Memorandum of Understanding between the UK Government, the Scottish Ministers, the Cabinet of the National Assembly for Wales and the Northern Ireland Executive Committee, 2001. http://www.dca.gov.uk/constitution/devolution/pubs/odpm_dev_600629.pdf

In other words, although the UK Parliament can legislate on any issue including devolved matters, it would not normally do so without first obtaining agreement or consent from the relevant devolved administration. As each devolved administration has its own devolved settlement (i.e. the Northern Ireland Act 1998, the Scotland Act 1998 and the Government of Wales Act 1998), this statement will have a slightly different meaning for each of them. This is because each devolution settlement gives different powers to the legislatures in question. In each case however, the relevant UK Department will need to ascertain at an early stage whether each provision in the UK Bill relates to devolved, reserved or transferred matters under each settlement and ensure that the devolved administration share their understanding of this. If any of the provisions in the UK Bill relate to devolved matters, a Legislative Consent Motion will need to be secured in the devolved legislature.²

As the devolved administration cannot seek to promote a Legislative Consent Motion until the Bill has been Introduced at Westminster, at this stage the UK Bill Minister will need to secure the devolved administration's agreement in principle to promote a Legislative Consent Motion. The devolved administration would then be expected to secure the Legislative Consent Motion before the UK Bill completes its final amending stage in the first House at Westminster. Practice has established that the devolved administrations are consulted at an early stage of the proceedings so that any devolution issues are resolved before the UK Bill is approved for Introduction to the UK Parliament.³

PART ONE: NORTHERN IRELAND

BACKGROUND

There are no formalised procedures in the NI Assembly with regards to Legislative Consent. However, guidance notes have been produced outlining the process which the UK Government and the NI Executive should follow when seeking Legislative Consent from the Assembly. There have been eight Legislative Consent Motions since the Assembly was restored in 2007, all of which have followed the processes outlined in the guidance notes. The eight UK Bills which have required a Legislative Consent Motion in the Assembly are outlined below, along with the date in which they were agreed.

-
- The Child Maintenance and Other Payments Bill – 22 October 2007
- The Dormant Bank and Building Society Accounts Bill – 27 November 2007
- The Climate Change Bill – 10 December 2007
- The Criminal Justice and Immigration Bill 2007
- The Health and Social Care Bill – 14 January 2008
- The Education and Skills Bill – 29 January 2008
- The UK Energy Bill – 18 February 2008
- The Pensions Bill – 1 July 2008

² A Legislative Consent Motion gives the devolved legislature the chance to agree collectively to the UK Parliament legislating on a devolved issue.

³ Cabinet Office Explanatory Notes, *Devolution – Scotland, Wales and Northern Ireland*
http://www.cabinetoffice.gov.uk/secretariats/economic_and_domestic/legislative_programme/guide_html/devolution.aspx

In practice, the relevant NI Minister will notify the Speaker and the Chairperson of the relevant Assembly Committee of the intention of the UK Government to legislate on NI devolved matters as soon as he/she is aware of the proposals.⁴ For example once the Minister for Health was informed of the provisions affecting NI within the Health and Social Care Bill, he wrote to the Health, Social Services and Public Safety Committee of the Assembly on the 24 September 2007, informing the Members of such proposals.

Once the Minister has informed the relevant Committee, the Chairperson can request a briefing from the Minister or Departmental Officials. This provides Members with the opportunity to explore fully the details of the proposals of the UK Bill.⁵ With regards to the example of the Health and Social Care Bill previously outlined, Departmental Officials briefed the Health, Social Services and Public Safety Committee on issues relating to the Bill on the 18 October 2007. This process allowed the Minister for Health to gain the agreement of the Committee in principle to support a Legislative Consent Motion.

Once the relevant NI Minister has gained the support of the relevant Assembly Committee, the Minister will lodge a Legislative Consent Motion for plenary debate. This Legislative Consent Motion would seek the endorsement of the Assembly to the Minister's proposal.⁶ In relation to the example of the Health and Social Care Bill, a Legislative Consent Motion was debated in the NI Assembly on the 14 January 2008 after the Introduction of the Bill in Westminster on the 15 November 2007.

Contact between the Whitehall Department and the relevant NI Department is continuous throughout the entire process of obtaining Legislative Consent. Even after Legislative Consent has been granted by the Assembly, Departments in the UK and NI should be in close contact throughout the passage of the Bill in Westminster. This process is vital as any significant changes to the devolved provisions which may have occurred to a Bill in Westminster, can be relayed to the relevant NI Minister as soon as possible. He/she can then inform the relevant Committee of any significant changes to the devolved provisions of the Bill. This is important as a second Legislative Consent Motion may be required if the provisions to which consent was given in the first place have changed.

There have been two occasions in the NI Assembly where changes to the devolved provisions in a UK Bill at Westminster, has required the NI Minister to inform the relevant NI Committee. The two Bills in question are the Climate Change Bill and the Pensions Bill. In the first instance a Legislative Consent Motion regarding the Climate Change Bill, was supported by the Assembly on the 10 December 2007. However amendments to the original Bill were subsequently made in Westminster, which changed the policy affecting NI. Through subsequent correspondence with the relevant UK Department, the NI Minister for Environment was able to inform the Environment Committee of the changes to the Bill at an early stage. However, it was subsequently agreed by the Committee that a second Legislative Consent Motion was not necessary as the first Motion was perceived to be broad enough to encompass the amendments to the UK Bill.⁷

⁴ *Outline of Assembly Procedures on Legislative Consent Motions*, provided by the Legislative Programme Secretariat of the Office of the First Minister and Deputy First Minister.

⁵ *Ibid*

⁶ *Ibid*

⁷ Information gained through correspondence with the Legislative programme Secretariat of the Office of the First Minister and the Deputy First Minister.

In relation to the second occasion, a Legislative Consent Motion regarding the Pensions Bill was originally supported in the Assembly on the 26 February 2008. Within this Bill certain chapters applied to NI with the specific subject areas being mentioned in the Legislative Consent Motion. Amendments were subsequently made to the Pensions Bill during its passage through Westminster. These amendments included new subject areas not mentioned in the original Legislative Consent Motion. The Social Development Committee agreed that a further legislative Consent Motion would have to be put before the Assembly which outlined the new areas added to the Bill through the amendments. This subsequent Motion was agreed by the Assembly on the 1 July 2008.⁸

PART TWO: SCOTLAND

ORIGINS AND DEVELOPMENT OF THE SEWEL CONVENTION

What has become known as the Sewel Convention originated with remarks made by Lord Sewel, the junior Scottish Office Minister responsible for steering the Scotland Bill through the House of Lords, in July 1998. Referring to the provision in the Bill that asserts Westminster's continued right to legislate for Scotland on devolved as well as reserved matters, he said,

*"We [the Government] envisage that there could be instances where it would be more convenient for legislation on devolved matters to be passed by the United Kingdom Parliament. However, ... we would expect a convention to be established that Westminster would not normally legislate with regard to devolved matters in Scotland without the consent of the Scottish Parliament."*⁹

From the outset, this was to be a political convention rather than part of the legal foundations established by the Act. It was to be invoked primarily in relation to legislation on devolved matters, but used only with the Parliament's consent. The details of how and when this consent was to be obtained were not elaborated at the time.

In practice, the convention was developed almost entirely at governmental level. It took formal shape in the Memorandum of Understanding (MOU) between the UK Government and the devolved administrations i.e. the Scottish Executive, the Welsh Assembly Cabinet and the Northern Ireland Executive. The MOU has been supplemented by a series of "Devolution Guidance Notes", which are intended to be advisory but not legally binding on the parties of the MOU.¹⁰

The Guidance Note outlines how obtaining consent from the Scottish Parliament is only needed for legislative provisions which are specifically for devolved purposes, or which alter the legislative competence of the Parliament or the executive competence of the Scottish Ministers. These legislative provisions are also known as "Cate

⁸ Ibid

⁹ House of Lords Debate, 21 July 1998, col 791. Cited in the Scottish Parliament Procedures Committee's Report on the Sewel Convention, 2005
http://www.scottish.parliament.uk/business/committees/procedures/reports-05/prr05-07-vol01.htm#_ftn1

¹⁰ Memorandum of Understanding, 2001
<http://www.justice.gov.uk/docs/odpm-dev-600629.pdf>

III” provisions. Category I and II provisions do not need Sewel consent. This is because they either:¹¹

- (i) do not apply to Scotland at all; or which apply to Scotland but relate to reserved matters and do not alter Scottish law on non-reserved matters or,
- (ii) the provisions do apply to Scotland and relate to reserved matters, but also contains provisions which make incidental or consequential changes to Scottish law on non-reserved matters.

In other words, only Bills with provisions in Category III are subject to the convention requiring the consent of the Scottish Parliament. However, the MOU outlines how the UK Departments should consult the Scottish Executive on changes in devolved areas of law which are incidental to provisions made for reserved purposes. In practice therefore, under the Convention if the UK Government and the Scottish Executive agree that it is appropriate to include in a Westminster Bill provisions affecting devolved matters, the Executive will invite the Parliament to give consent to those provisions being dealt with by Westminster.¹²

This involves the Executive providing a memorandum about the UK Bill, which is usually considered by a relevant Scottish Parliament Committee. The Committee will then consider and report on the Legislative Consent Memorandum. The Executive also lodges a Sewel motion which the Parliament as a whole is invited to agree upon before the Bill reaches its final amending stage at Westminster, in the House it was introduced. However, a Sewel motion is not normally lodged until after the publication of the Committee’s report. If the motion is agreed to by the Parliament, the resulting Sewel resolution gives Westminster the formal go-ahead that the convention requires.¹³

Practices relating to the Sewel convention have gradually evolved and developed over the past number of years. For example, initially Sewel scrutiny was limited to debates in the Chamber. However, it then became more common for the main scrutiny to take place in a Committee, with a further Chamber debate (in addition to the moving and disposing of the motion) only if this was recommended by the Committee. In January 2003, practices developed further with the Scottish Executive publishing a memorandum which included some proposals for reform in relation to the Sewel convention. The most significant of these was to push back the normal deadline for obtaining the Parliament’s consent from Second Reading to the last amending stage in the first House i.e. either Report Stage in the Commons or Third Reading in the Lords. This was intended to give the Parliament and Committees in particular more time for scrutiny purposes. Further developments occurred with regards to practices surrounding the Sewel convention with the Scottish Executive preparing a supplementary memorandum in August 2003. This confirmed that the change proposed in the January

¹¹ Devolution Note 10 – Post Devolution Primary Legislation affecting Scotland
<http://www.dca.gov.uk/constitution/devolution/guidance/dgn10.pdf>

¹² There is no legal requirement for such consent, given that section 28(7) of the Scotland Act gives the UK Parliament a continued and unqualified right to legislate for Scotland on devolved matters. The convention is an important political mechanism for ensuring that the UK Government does not legislate in devolved areas against the wishes of the Scottish Parliament.

¹³ Standing Orders of the Scottish Parliament, Chapter 9B
<http://www.scottish.parliament.uk/business/so/sto-4.htm#9b>

memorandum in relation to the deadline for obtaining consent, had since been adopted. The August memorandum also noted that towards the end of Session 1 (1999-2003) it had become common practice that very few Sewel memoranda were being referred to Committees at all, and proposed a return to the earlier practice of routine Committee consideration. In September 2003 it was subsequently stated by the Presiding Officer that the continued approach would be for all Sewel motions to be considered in Committee and for time to be allocated for a short debate in the Chamber if there were concerns that the Committee felt had not been satisfactorily addressed. In 2005, the Procedures Committee of the Scottish Parliament undertook an inquiry into the use of Sewel motions and heard evidence from a number of individuals including Lord Sewel. Following the review, the motions were re-titled Legislative Consent Motions and the procedures were enshrined in the Scottish Parliaments Standing Orders.¹⁴

CRITICISMS AND LIMITATIONS OF THE CONVENTION

The frequency of use of Sewel motions has been one of the main targets of criticism regardless of its original intent. In Session 2 (May 2003- April 2007) 38 Sewel motions /legislative consent motions were passed.¹⁵ When Lord Sewel set out the convention it was a statement intended to show that the UK Parliament would refrain, except on a consensual basis, from using its legal power to legislate in devolved matters. It is argued by many that greater emphasis has now been put on the exception rather than the restraint.¹⁶

A related perception to the criticism above which has been highlighted, is that powers are being “handed-back” to Westminster, and that the use of the Sewel process is a kind of “counter-devolution”. In some instances, the criticism has been that the convention has been used inappropriately, to impose a general UK solution on a subject where a distinctively Scottish approach would have been preferable by some.

PART THREE: WALES

Standing Order 26¹⁷ outlines the procedures of the National Assembly for Wales with regards to consent in relation to UK Parliament Bills affecting Wales. This Standing Order states that a member of the Government is required to lay a Legislative Consent Memorandum ¹⁸ in relation to:

(i) Any UK Government Bill that is a relevant Bill¹⁹ on its introduction to the first House, normally no later than 2 weeks after introduction;

¹⁴ Scottish Procedures Committee Report on the Sewel Convention, 2005

<http://www.scottish.parliament.uk/business/committees/procedures/reports-05/prr05-07-vol01.htm>

¹⁵ The Scottish Parliament website

<http://www.scottish.parliament.uk/business/legConMem/LCM-Stats.htm>

¹⁶ House of Commons Factsheet on The Sewel Convention, November 2005 pg 10.

¹⁷ Standing Orders of the National assembly for Wales

<http://www.assemblywales.org/bus-docs-third-standingorders.pdf>

¹⁸ A legislative memorandum must summarise the policy objectives of the Bill, specify the extent to which the Bill makes relevant provision and explain whether it is considered appropriate for that provision to be made.

¹⁹ A ‘relevant Bill’ means a Bill under consideration in the UK Parliament which makes provision (“relevant provision”) in relation to Wales, for any purpose within the legislative competence of the Assembly; or which has a negative impact on the legislative competence of the Assembly.

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

(iii) Any Bill introduced into the UK Parliament that, by virtue of amendments agreed to making relevant provision for the first time or beyond the limits of any consent previously given by the Assembly. This memorandum must be laid no later than 2 weeks after the amendments are tabled or agreed to.

Standing Order 26 also states when a Legislative Consent Memorandum is laid, the government must at the same time table a Legislative Consent Motion. This motion seeks the Assembly's agreement to the inclusion of a relevant provision in a relevant Bill.

To date, the National Assembly for Wales has only dealt with two Legislative Consent Motions with only 15 minutes being allocated for each debate. Furthermore, no Committee of the National Assembly for Wales has undertaken any scrutiny of the relevant UK Bill. With regards to amendments to such motions, it is the Presiding Officer's view that amendments may be tabled provided that if they were agreed they would not cast into doubt the decision of the Assembly in relation to the main question. The National Assembly for Wales has had limited experience with regards to Legislative Consent and are therefore still developing practice.²⁰

PART FOUR: POTENTIAL ISSUES FOR CONSIDERATION

WHEN SHOULD THE ASSEMBLY'S CONSENT BE SOUGHT

A number of NI Committee Chairpersons have highlighted the importance of timing with regards to Legislative Consent Motions. This is due to concerns over the issues of significant changes being made to specific provisions of a Bill during its passage through Westminster. It could be argued that the timing of a motion is crucial to ensure any significant changes to provisions in a UK Bill are taken into account during a debate on the motion. Therefore the Committee may wish to take into account the timing of a Legislative Consent Motion, taking into consideration the potential change in provisions which may occur during its passage through Westminster.

ROLE OF COMMITTEES

It is current practice for the relevant NI Minister who is responsible for obtaining the Assembly's consent, to provide the relevant NI Committee with a Legislative Consent Memoranda. These documents should explain the need for and the background to the legislative proposals. A copy of the Westminster Bill specifying the NI provisions should also be provided. In practice, at present in the NI Assembly a report of the Committee's considerations is given verbally by the Chair of the Committee in responding to the Minister during the motion debate itself. With regards to this issue, the Procedures Committee may wish to consider if it would be appropriate for the relevant NI Committee to report in writing to the Assembly before the Legislative

²⁰ Information gained through correspondence with the Clerk to the Procedures Committee in the National Assembly for Wales.

Consent Motion is taken. It is worth noting that the Legislative Programme Secretariat of the Office of the First Minister and Deputy First Minister have indicated that it would not be appropriate for the procedures in the NI Assembly to require a Committee to report in writing. The Procedures Committee may wish to clarify the reasoning for this view at the evidence stage of the inquiry.

Child Poverty Bill

House of Commons Research Paper

<http://www.parliament.uk/commons/lib/research/rp2009/rp09-062.pdf>

3



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Rt Hon Stephen Timms MP
Financial Secretary to the Treasury
HM Treasury
1 Horse Guards Road
LONDON
SW1A 2HQ

Our Ref: SUB/304/09

30 April 2009

Dear Stephen,

UK CHILD POVERTY LEGISLATION: CONSULTATION DOCUMENT – 'ENDING CHILD POVERTY: MAKING IT HAPPEN'

Thank you for your letter of 15 April outlining the Scottish Government and Welsh Assembly Government positions as set out in the consultation document 'Ending Child Poverty: Making It Happen'. Your earlier correspondence of 23 February also refers.

On behalf of the Northern Ireland Executive we would like to thank you for the opportunity to comment on your proposals to introduce legislation to help ensure the achievement of the 2020 child poverty targets.

We would like to confirm our support for the UK government's commitment to eradicating child poverty by 2020. Indeed, in our own programme for Government we set ourselves the same challenge and we fully understand the enormity of the task, especially given the current economic downturn.

It is unacceptable that so many of our children, from an early age, suffer inequalities that last a lifetime and only by truly prioritising the needs of the most disadvantaged can we meet these ambitious targets.

In order to meet the targets we have set ourselves in our Programme for Government, the Executive has adopted a strategic framework called 'Lifetime Opportunities' to tackle poverty, social exclusion and patterns of deprivation based on objective need. To implement that strategy and to bring a strong Ministerial focus to this work, we have established an Executive Sub-Committee whose job it is to agree priority areas for action

across Departments. We also intend to engage with key stakeholders through a Ministerial-led Forum to be introduced later this year.

Legislation makes an important contribution to this work; indeed, we have a statutory obligation under Section 28E of the Northern Ireland 1998 Act to adopt a strategy to tackle poverty and social exclusion. In addition, we have recently introduced a Financial Assistance Act. This has a direct relevance for poverty and social inclusion and affords the Executive the flexibility to provide financial assistance to address situations where existing arrangements are deemed either inadequate, ineffective or in some other way, unsatisfactory.

The introduction of further legislation is therefore a significant proposal, and we would therefore, wish to reserve the right to support it in principle, as this will need to be carefully considered in the context of our current policy and legislative competence.

The consultation document does not go into detail on what the legislative commitment would look like. We naturally have concerns about raising expectations beyond what can reasonably be delivered, and how this can be measured, given both the rural aspect to poverty here and the differences in the economy of Northern Ireland. It is crucial that officials continue to work together, through the Four Nations Forum on Child Poverty, to identify and resolve issues of concern for each administration at various stages as the legislation is developed. Such discussions could include the specific duties referred to in your letter of 15 April.

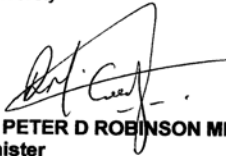
We will, therefore, reconsider our position on the detail of proposed legislation when more information is available. To facilitate your timescale we have asked our officials to make contact with your Bill Team as soon as possible.

To further help facilitate this process, we would like to accept your offer of a meeting to engage in more detailed dialogue on the policy and legislative framework here in Northern Ireland and the implications of your legislative proposals.

We have attached some more substantive comments which you may find helpful in your considerations.

A copy of this letter goes to the Secretary of State for Northern Ireland.

Yours sincerely



RT HON PETER D ROBINSON MP MLA
First Minister



MARTIN MCGUINNESS MP MLA
deputy First Minister

APPROVED BY THE MINISTERS
AND SIGNED IN THEIR ABSENCE



**Summary of Departmental Responses
Re the Child Poverty Bill Consultation**

07/03/09	DEL	<ul style="list-style-type: none"> • Desire to eliminate child poverty is a laudable one; child poverty leads to a collective waste of talent and opportunity and limitation of life chances. • The consultation document recognises and supports DEL view that work is the surest and most sustainable route out of poverty. Raising skills and employability is therefore a key objective. • The 5 outcomes from "Every Child Matters" (to be healthy, to stay safe, to enjoy and achieve and to make a positive contribution to achieve economic well being) are sound as they focus not just on the child but also on the part they can play with and for others. • DEL accepts value in UK wide legislation • DEL does have concerns about raising expectations beyond what can reasonably be delivered • Clear, robust and believable definitions are crucial.
09/03/09	DETI	No comments
09/03/09	DRD	Content with Consultation Document and have no recommendations as to any further information that can be included.
11/03/09	DSD	<ul style="list-style-type: none"> • Each of DSD's main business areas contribute towards reducing child poverty within Northern Ireland. • For example, the approach taken by the UK Government and that pursued

	<p>by DSD through the Neighbourhood Renewal strategy is very similar.</p> <ul style="list-style-type: none"> • The proposed Child Poverty legislation, like the strategy, works to support families by addressing issues such as adult employment and the skills needed for employment. • The strategy also mirrors the legislation because the key areas it is attempting to address are similar to the building blocks referred to in the consultation document. • Like the UK proposals, the Neighbourhood Renewal strategy can only be successful if all parties remain committed to achieving targets and work together. • While, I welcome the UK Government taking the issue of child poverty seriously, I have a number of concerns regarding the consultation document and misgivings about how success or otherwise will be measured. • As in the case of fuel poverty, the Government does not have all the levers to eradicate child poverty. • While Government can create the right conditions to address child poverty, it cannot fully eradicate it. • Economic factors will always come into play and as recent circumstances highlight, Governments cannot control the economy. • Therefore, while eradicating child poverty is a clear and worthwhile goal, it may not be advisable to enshrine this target in law. • This target appears to have been derived from an assessment of the impact of various initiatives within Europe, there are however substantial differences in the Northern Ireland economy compared to Europe and GB. As a result it is arguable as to whether the proposed target is achievable in NI and therefore caution should be exercised.
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		<ul style="list-style-type: none"> • I am also concerned that the data required to inform the baseline and assess performance against target is derived from a survey. This will make it difficult to quantify the impact of a given policy, as the questions within the survey are unlikely to be specific enough to determine the degree to which a decrease, if it occurs, can be attributed to specific actions. • Separate statistical modelling is therefore likely to be required. • With regards to the measure of success, I welcome the use of absolute low income, as it is easily calculated and can be a useful tool when looking at how poverty changes in real terms over time.
11/03/09	DARD	<ul style="list-style-type: none"> • Welcomes the proposal as it is vital that all our children are given equality of opportunity to meet their full potential and steps towards eradicating poverty can ensure this objective is met. • Notes clear linkages between this proposal and the Lifetime Opportunities strategy to which we have all agreed. We must continue to explore these linkages and ensure that we are fully involved in each step of the process of this developing legislation • A key finding of the Rural Anti-Poverty and Social Inclusion framework has been high levels of child poverty experienced in rural areas. • The suffering from poverty in rural areas is further accentuated by poor access to vital services, higher transport costs and general feelings of isolation. These are not addressed in the consultation paper and it is advised that the paper is revised to consider and propose actions to address the unique issues faced by those in poverty living in rural areas.
12/03/09	DHSSPS	<ul style="list-style-type: none"> • Welcomes this document and the key aspirations it outlines • Research has show that economic circumstance can have a detrimental effect upon health and social wellbeing and poor health or family breakdown

	DFP	<p>can contribute to low income and disadvantage.</p> <ul style="list-style-type: none"> • For children living in poverty health outcomes and life chances are much reduced and children born into poverty • Welcome the focus the proposed legislations brings to child poverty and support aspirations highlighted. • Tackling poverty and the resultant health inequalities are a particular focus of the cross-departmental public health strategy Investing for Health. This strategy reinforces the need to work in partnership across departments and agencies at a local level – work will be strengthened by the establishment of the new Public Health Agency in April 2009 and the review of Investing for Health due to take place later this year. • The documents notes poor physical or mental health and disability can seriously limit opportunities for parents to enter and remain in the workforce. • Equally children suffer from poor physical or mental health have a physical or sensory disability or are learning disabled there are a number of associated factors which can reduce income or increase living costs for the family. • DHSSPS have given a commitment, through the Departments parenting strategy "Families Matter: Supporting Families in NI" to work towards the elimination of poverty, particularly child poverty, through supporting parents who experience poverty in order to have a positive impact on the lives of children. • There is undoubtedly a need for vulnerable children to be placed at the centre of a joined up approach to services, with professionals and front line workers in health and social care as well as education, housing and other sectors playing a key role. • In Northern Ireland we have already committed to tackling poverty and
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HM Treasury, 1 Horse Guards Road, London, SW1A 2HQ

Rt Hon Peter Robinson MP MLA
First Minister, Northern Ireland Executive
Stormont Castle
Belfast
BT4 3TT

7 May 2009

Dear Peter,

CHILD POVERTY BILL

Thank you for your letter of 30 April responding to earlier correspondence about the forthcoming Child Poverty Bill and Northern Ireland's inclusion in the proposed arrangements.

Your letter reconfirms our shared commitment to eradicating child poverty by 2020 and your support, in principle, for enshrining this commitment in legislation through the Child Poverty Bill. I have also noted the comments from your Executive colleagues about the proposals set out in the *Ending Child Poverty: Making It Happen* consultation document.

I understand that our officials have discussed the detailed content of the Bill and how it might apply in Northern Ireland. To summarise, and as described in previous letters, the Bill will:



- place a duty on the UK Government to meet the four UK wide income targets set out in *Ending Child Poverty: Making It Happen* by 2020;
- place a duty on the UK Government to prepare a UK wide child poverty strategy which will set out the policies to be put in place to meet the targets and which must be revised every three years;
- establish a Commission to provide advice on the development of the child poverty strategies;
- place a duty on the Secretary of State to publish annual progress reports; and
- place duties on local government and their delivery partners to tackle child poverty in their local area.

Given the different local government structures in the different parts of the UK, the last of these will extend to England only. However, we are keen for the Bill to reflect the need for co-ordinated action across the UK to meet the 2020 targets, for a coherent UK child poverty strategy and mechanisms for ensuring that the separate strategies of the UK Government and the Devolved Administrations for tackling child poverty are complementary.

As you will be aware from previous correspondence, Scottish Ministers are signed up to the Bill placing duties on the Scottish Government to prepare a Scottish child poverty strategy setting out how they will contribute to the UK wide targets and further action that they will take to address child poverty in Scotland. This strategy will be revised every three years with copies laid before the Scottish Parliament. The Bill also contains proposals for the UK Government and Scottish Government to work together in preparing their strategies.



The Welsh Assembly Government recently introduced an Assembly Measure which includes duties on Welsh Ministers to prepare child poverty strategies, similar to those proposed in the Child Poverty Bill. Welsh Ministers have indicated they are content for the Bill to include references to the Assembly Measure, in order to ensure that the UK Government takes into account Welsh Assembly Government plans to address child poverty when drawing up the UK strategy. Finally, the Bill will also ensure that the Commission will have a UK wide remit and that the membership will reflect the interests of the Devolved Administrations.

Our officials have discussed whether it might be possible for the duties in the Bill currently applying to Scottish Ministers (to prepare a child poverty strategy) to also apply in Northern Ireland. They have similarly explored the proposal for UK wide income targets and a UK wide strategy, which I understand is likely to require legislative consent from the Northern Ireland Assembly. I understand that you are supportive of these plans but wish to consult further with Executive colleagues before formally committing to these proposals.

As you are no doubt aware, we are scheduled to introduce the Bill in the week commencing 18 May. Given these timescales, we propose that the UK wide target and strategy provisions are included in the Bill on introduction. In doing so, I am seeking your assurance that you will support the process for obtaining the necessary legislative consent of the Assembly. If possible, it would be helpful to have confirmation of your support for this before the Bill is introduced. Subject to the agreement of you and your Executive colleagues, it may then be possible at a later stage to amend the Bill to apply specific duties to the



Northern Ireland Executive to have in place a child poverty strategy for Northern Ireland.

I very much welcome your acceptance of my offer to meet to discuss the Bill and its implications for Northern Ireland in more detail. If there was any possibility that this meeting could take place, or we could otherwise discuss the proposal set out here, in advance of the Bill's introduction that would be particularly helpful. I understand our officials are in regular contact regarding the drafting of the Bill and hope this positive engagement can continue.

I am also writing to the Deputy First Minister and am copying this letter to the Secretary of State for Northern Ireland.

Yours sincerely,
Stephen

Rt Hon Stephen Timms MP



HM Treasury, 1 Horse Guards Road, London, SW1A 2HQ
Martin McGuinness MP MLA
Deputy First Minister, Northern Ireland Executive
Stormont Castle
Belfast
BT4 3TT

7 May 2009

Dear Martin,

CHILD POVERTY BILL

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Your letter reconfirms our shared commitment to eradicating child poverty by 2020 and your support, in principle, for enshrining this commitment in legislation through the Child Poverty Bill. I have also noted the comments from your Executive colleagues about the proposals set out in the *Ending Child Poverty: Making It Happen* consultation document.

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Given the different local government structures in the different parts of the UK, the last of these will extend to England only. However, we are keen for the Bill to reflect the need for co-ordinated action across the UK to meet the 2020 targets, for a coherent UK child poverty strategy and mechanisms for ensuring that the separate strategies of the UK Government and the Devolved Administrations for tackling child poverty are complementary.

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Northern Ireland Executive to have in place a child poverty strategy for Northern Ireland.

I very much welcome your acceptance of my offer to meet to discuss the Bill and its implications for Northern Ireland in more detail. If there was any possibility that this meeting could take place, or we could otherwise discuss the proposal set out here, in advance of the Bill's introduction that would be particularly helpful. I understand our officials are in regular contact regarding the drafting of the Bill and hope this positive engagement can continue.

I am also writing to the First Minister and am copying this letter to the Secretary of State for Northern Ireland.

*Yours sincerely,
Stephen*

Rt Hon Stephen Timms MP



Office of the
**First Minister and
Deputy First Minister**

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Rt Hon Stephen Timms MP
Financial Secretary to the Treasury
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SW1A 2HQ

Our Ref: COR/347/09

27 May 2009

Dear Stephen,

UK CHILD POVERTY LEGISLATION: CONSULTATION DOCUMENT – “ENDING CHILD POVERTY: MAKING IT HAPPEN”

Thank you for your letter of 7 May 2009 about the UK's child poverty legislation. We fully welcome initiatives designed to eliminate child poverty which is an explicit commitment within the Executive's Programme for Government. However, given the timetables for introduction of the Bill, the Executive has not had the opportunity to take decisions on the detail of the Bill. Also, we have not been in a position to consult the OFMDFM Committee.

We are content that the Bill starts its passage through Parliament as a UK-wide Bill and, therefore, that the UK-wide targets are included. We continue to reserve our position on the detail of the provisions which would replicate for Northern Ireland those that are proposed for Scotland but are nevertheless content that these are included at the introduction of the Bill. We will consult with and seek the necessary legislative consent from the NI Assembly and the agreement of the Executive on the targets applying on a UK-wide basis as the Bill progresses. Following further consideration we will let you have our definitive position on the specific provisions which are to apply here as soon as possible. We welcome your confirmation that we could then seek to have our provisions amended including those which apply specific duties to the Department in line with the agreements reached here and we will fully support the process for obtaining the necessary legislative consent of the Assembly, on this basis.

Our officials will maintain close contact with your officials both in terms of the policy development process and the legislative process.

Yours sincerely

RT HON PETER D ROBINSON MP MLA
First Minister

MARTIN McGUINNESS MP MLA
deputy First Minister

APPROVED BY THE MINISTERS
AND SIGNED IN THEIR ABSENCE

Cathie White
Clerk
Committee for OFMDFM
Room 416
Parliament Buildings
BELFAST
BT4 3XX

2 July 2009

Dear Cathie

OFMDFM COMMITTEE MEETING 1 JULY –

THE UK CHILD POVERTY BILL

During the course of their appearance before the Committee yesterday (1 July 2009), regarding the UK Child Poverty Bill, officials from the Equality Directorate undertook to provide members with further detail in respect of the timetabling for the progress of the Bill through Westminster and on the monitoring and reporting framework for Lifetime Opportunities which it was advised mirrors the approach set out in the draft Bill with one exception i.e. ‘persistent poverty’ where there are certain limitations as to available data at NI level.

In respect of the timetabling colleagues in Whitehall have today advised that whilst the 2nd reading of the Bill is scheduled for 20th July, Westminster will recess the following day and the likelihood is now that Committee Stage for the bill will commence immediately following recess i.e. 2nd week in October. However, as we advised yesterday, the First Minister and deputy First Minister plan to table an Executive Paper on the UK Child Poverty Bill to the Executive meeting scheduled for 9 July. We would respectfully request the Committee's views on the Bill as soon as possible in order to facilitate this timeframe.

Colleagues in the Child Poverty Unit have indicated that they would intend that the Committee stage would last a maximum of two weeks. We are advised that the Bill Committee meets on

Tuesday and Thursday of each week so in effect this would mean a maximum 4 days consideration at Committee stage.

With regard to the targets contained within the draft Bill Committee members were keen to ascertain if the agreed framework for the 'Life time Opportunities Strategy' would complement the monitoring and reporting responsibilities associated with the Child Poverty Bill. I can advise that this is the case.

I now attach (Annex A) for the committee's attention, a copy of the Monitoring and Reporting Framework document for Lifetime Opportunities which was recently agreed by the Executive Sub-Committee on Poverty and Social Inclusion. In doing so I would highlight that the means for measuring progress against the Executive's specific child poverty targets will reflect the three tiered UK child poverty measures of: relative poverty, absolute poverty, and combined low income and material deprivation.

OFMDFM Research colleagues are currently populating the first report which it is hoped to bring to the Executive Sub-Committee in the autumn and in light of comments received from the sub committee, the presentation of indicators have been adjusted to default to **a.** lifecycle analysis and **b.** benchmarking against GB/UK; EU and RoI as appropriate and possible.

Officials consider the monitoring framework allows progress to be measured and reported against relative poverty, absolute poverty, and combined low income and material deprivation as set out in the draft Bill. Committee members should note however that the Bill as drafted only requires reporting at the UK level but of course NI data will feed into the overall UK picture.

Equality Directorate officials would be happy to arrange to brief the committee further on this matter should they consider that this would be helpful.

I hope that you find this information useful.

Yours sincerely

Signed pp Peter McDowell

GAIL MCKIBBIN

Departmental Assembly Liaison Office



Northern Ireland

Assembly

**The Committee for the Office of the First Minister
and deputy First Minister**

Rt. Hon Peter Robinson MP MLA and
Mr Martin McGuinness MP MLA
First Minister and deputy First Minister
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Committee.ofmdfm@niassembly.gov.uk

Date: 7 July 2009

Dear First Minister and deputy First Minister

At its meeting of 1 July 2009, the Committee considered the UK Child Poverty Bill and agreed to forward the following comments:

The Committee welcomes the duty placed on Government to provide annual reports on progress towards the child poverty targets and the establishment of a Child Poverty Commission through legislation.

The Committee also supports the duty on the Executive to place a Northern Ireland strategy before the Assembly.

Specific Comments Regarding the Child Poverty Bill

1. Clause 13 of the Bill should be amended to include a duty on OFMDFM (this could put a duty on relevant Departments and on Local Councils alongside the proposed community planning and well-being duties as part of the RPA legislation) to report on the rates of child poverty here under each of the targets to the Assembly so that we can monitor why rates are increasing, decreasing or remaining.
2. The annual reports should specify how much has been spent on tackling child poverty and how many children have been lifted out of poverty.
3. Can we include Tax Credits which was one of the recommendations in this Committee's inquiry into Child Poverty, we have particular issues on how tax credits are implemented, allocated and monitored?
4. We should ensure that the targets already set in the Programme for Government are kept and not diluted as they appear to be in the Bill. The target for the proportion of children in relative low income is set at 10% we believe it should be set at 5% or below. Seeking an amendment to ensure a UK Government target to eradicate severe child poverty by 2015 is included in the Bill as part of the measure of success. Since the NI Executive has already adopted a 2012 target, we would urge NI elected representatives to ensure that this earlier target is included in the NI provisions of the bill.
5. We have major concerns on the defined outcomes, how will the outcomes be measured?
6. How does the Lifetime Opportunities Strategy fit in with the Child Poverty Bill? The NI strategy is based on the Lifetime Opportunities Strategy but with a much sharper focus on child poverty and includes measures to tackle inequalities set out at clause 8(5) as well as income inequality.
7. Clause 8 section 5 of the Bill places a duty on the Secretary of State in preparing a UK Strategy to consider what measures if any ought to be taken in certain areas. There is no similar duty to take account of these areas placed on either OFMDFM or on the relevant NI Departments with responsibility for these areas to contribute to a child poverty strategy. How relevant to Northern Ireland is Clause 8 of the Bill and will Northern Ireland be included in Clause 8?
8. Seeking an amendment to the terms of reference of the expert commission (Schedule 1) to set out the commission's independence and power to commission research and call for evidence. Set out the Child Poverty Commission independence from Government, ability to hold Government to account, power to commission research and call for evidence.
9. Recommend that a requirement to consult with low income children and young people and their families and the appropriate organisations in all stages of

strategy development, implementation, monitoring and evaluation, is included in the bill's provisions.

10. As the policy responsibility for children and young people's issues falls to the Junior Ministers and OFMDFM, *Part 1 clause 11* should refer to this and not to the Secretary of State who is responsible for reserved and excepted matters.
11. Recommend that a statutory duty is inserted so that NI Government must consult with all children and young people.
12. Part 2 of the Bill places a duty on local authorities in England and Wales to undertake a child poverty assessment in their area and produce a local child poverty action plan. Again there are no such provisions for children living in Northern Ireland as part of the RPA legislation.

Additional Comments

1. The First Minister and deputy First Minister should regularly report to the Assembly on the rates of child poverty so that we can monitor the outcomes.
2. What tracking systems are in place for measuring outcomes?
3. Where do the NICS Departments feed into the setting of targets and do OFMDFM have an overseeing role? Consider how meeting child poverty targets can be effectively contributed to by regional agencies and local government structures.
4. Has a system of monitoring not been adapted yet, the Equality Impact Assessment process requires that as part of the process Department's monitor the impact of policies and strategies, the Committee feel it is vital to prove the outcomes and would like to see a copy of the framework?
5. Additional resources to accompany the new duties on local authorities to reduce child poverty.
6. The development and delivery of NI specific strategy, the action planning process is underpinned and driven by a statutory duty on government departments and their agencies to co-operate and work together to plan and commission services that will safeguard and protect children and young people's rights.
7. The development of a set of child rights centred indicators to measure progress toward the achievement of outcomes.
8. The establishment of systems and mechanisms to allow routine, disaggregated analysis of spending on children in all budget setting and allocation.

9. The Ministerial-led Poverty Forum that was established to monitor implementation of the Lifetime Opportunities Strategy has met only once in 2007 and the departmental action plans have as yet not been produced.

Yours sincerely

A handwritten signature in cursive script that reads "Danny Kennedy". The signature is written in black ink and is positioned above a short horizontal line.

Mr Danny Kennedy
Chairperson, Committee for the Office of the First Minister
and deputy First Minister



Office of the
**First Minister and
Deputy First Minister**
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Mr Danny Kennedy MLA
Chairperson
Committee for OFMDFM
Parliament Buildings
Stormont
BELFAST
BT4 3XX

Our Ref: COR/508/09

16th September 2009

Dear Mr Kennedy,

Thank you for your letter outlining the Committee's response to the draft UK Child Poverty Bill. We believe the duties outlined in this legislation will bring a much needed focus on child poverty right across government and underpin the Executive's commitment to achieving the child poverty targets set out in the Programme for Government.

You will be aware that the Executive agreed at its meeting on Thursday 9 July to respond formally to UK Ministers that the Bill should be extended to Northern Ireland. The Executive also agreed that we would bring forward amendments to help ensure that all NI Departments and Public Authorities play their part in tackling child poverty in NI, and in specifying 'local' arrangements for reporting progress in tackling child poverty here.

We appreciate the valuable comments you have made and we have considered these carefully in the context of existing arrangements for 'Lifetime Opportunities' and in the wider context of what the Bill is trying to do in underpinning Government's commitment to tackling Child Poverty.

The Committee is well aware of the complex nature of child poverty and the many contributing policy levers and programmes, not all of which are within the legislative competence of this Assembly, which can impact on child poverty figures. The complexities equally make it difficult to provide a quantitative assessment of the precise impact of any single lever on overall targets. However, this should not prevent us from tackling the



difficult issues that can make a real difference for our children now and for generations to come.

We attach some detail on the specific comments you have raised in your letter which we trust goes some way to alleviating your concerns and we look forward to working closely with the Committee as this important legislation is progressed through Westminster.

Yours sincerely



RT HON PETER D ROBINSON MP MLA
First Minister



MARTIN McGUINNESS MP MLA
deputy First Minister

APPROVED BY THE MINISTERS
AND SIGNED IN THEIR ABSENCE



**COMMENTS OF THE OFMDFM COMMITTEE IN RESPECT OF THE PROPOSED UK
CHILD POVERTY BILL**

Specific Comments

Comment

1. "Clause 13 of the Bill should be amended to include a duty on OFMDFM (this could put a duty on relevant Departments and on Local Councils alongside the proposed community planning and well-being duties as part of the RPA legislation) to report on the rates of child poverty here under each of the targets to the Assembly so that we can monitor why rates are increasing, decreasing or remaining."

View

Officials are currently in extensive discussions with the Bill team regarding drafting amendments to clause 11 of the Bill to include a duty on the Executive to report annually on progress towards Child Poverty targets.

The rationale advanced by colleagues in the Child Poverty Bill Team for placing the duty only on the 'Secretary of State' is that some of the policy levers such as 'Tax and Benefits' which are considered as crucial in tackling child poverty are not devolved matters and therefore it was not possible to place a statutory duty on Devolved Administrations for issues outside their legislative competence.

Comment

2. The annual reports should specify how much has been spent on tackling child poverty and how many children have been lifted out of poverty.

View

Given the cross cutting nature of child poverty and consequently the policy instruments which can and do impact in the whole area of child poverty this would be an exceptionally difficult, time consuming and costly exercise which would be unlikely to produce an uncontested figure.

One of the key problems would be what to include and exclude. To date there has been reasonable consensus as to what constitutes e.g. 'Relative Income' poverty; however, recent indications from Whitehall colleagues would suggest that a debate is brewing as to what exactly could and should be classed as 'Income'.

Tax, benefits and tax credits may be considered relatively straightforward but some 'Income-in-kind' such as childcare vouchers are more difficult to assess. Similarly minimum wage legislation and wider public expenditure e.g. education costs, healthcare costs etc. could all be classed as in some measure addressing poverty.

Comment

3. Can we include Tax Credits which was one of the recommendations in this Committee's inquiry into Child Poverty, we have particular issues on how tax credits are implemented, allocated and monitored?

View

We agree that the issue of tax credits is important in the context of tackling child poverty and note the Committee's comments about how they are implemented, allocated and monitored. We propose that the issue should be raised through the NI Executive continuing to make representations to HMT on Tax Credits, their implementation, allocation and monitoring through the appropriate channels. In relation to the delivery of tax credits we will also be monitoring the outcome of pilot projects in England to determine actions that may be appropriate here.

However, tax and benefits issues are reserved matters and are not within the legislative competence of the NI Assembly, therefore, it is not considered appropriate for specific inclusion in the UK wide Child Poverty Bill.

Comment

4. We should ensure that the targets already set in the Programme for Government are kept and not diluted as they appear to be in the Bill. The target for the proportion of children in relative low income is set at 10% we believe it should be set at 5% or below. Seeking an amendment to ensure a UK Government target to eradicate severe child poverty by 2015 is included in the Bill as part of the measure of success. Since the NI Executive has already adopted a 2012 target, we would

urge NI elected representatives to ensure that this earlier target is included in the NI provisions of the bill.

View

It is our assessment that the Programme for Government targets will not be diluted by the proposed Bill and that, if anything, overall the targets in the UK Child Poverty Bill are more demanding. The 10% target is already a challenging one particularly as many of the levers to reduce child poverty relate to non-devolved matters such as tax and benefits, and it would be extremely challenging in these circumstances to meet a 5% target. It would also be difficult to introduce a 5% target when the target for other administrations is 10%. This would not preclude the Executive adopting a target of 5% in our own Programme for Government.

In relation to severe child poverty, in the absence of an agreed measurement across other jurisdictions it would cause great difficulty to introduce this target to the Bill.

Comment

5. We have major concerns on the defined outcomes, how will the outcomes be measured?

View

It is expected that the monitoring and reporting framework recently agreed by the Executive Sub Committee on Poverty and Social Inclusion will have a key role to play in this respect.

This framework sets out indicators for monitoring progress under Lifetime Opportunities comprising three distinct 'layers':

- **Specific child poverty targets:** specific to child poverty and reflecting the 'tiered' UK child poverty measures of: relative poverty, absolute poverty, and mixed low income and material deprivation measure;

- **General poverty and social inclusion indicators:** taking a lifecycle approach and reflecting many of the Laeken commonly agreed EU indicators and commonly agreed national indicators, but also including a number of additional indicators reflecting specific social inclusion challenges faced in Northern Ireland; and
- **Public Service Agreement targets:** comprising Public Service Agreement targets of relevance to anti-poverty and social inclusion objectives.

Comment

6. How does the Lifetime Opportunities Strategy fit in with the Child Poverty Bill? The NI strategy is based on the Lifetime Opportunities Strategy but with a much sharper focus on child poverty and includes measures to tackle inequalities set out at clause 8(5) as well as income inequality.

View

Lifetime Opportunities is the overarching strategy adopted by the Executive for tackling poverty and social exclusion in Northern Ireland. Any dedicated Child Poverty strategy will, therefore, be an integral part of Lifetime Opportunities and actions arising under it. The NI Child Poverty Strategy will seek to address the barriers and causes of poverty and social exclusion many of which are reflected in Clause 8(5).

Comment

7. Clause 8, section 5 of the Bill places a duty on the Secretary of State in preparing a UK Strategy to consider what measures if any ought to be taken in certain areas. There is no similar duty to take account of these areas placed on either OFMDFM or on the relevant NI Departments with responsibility for these areas to contribute to a child poverty strategy. How relevant to Northern Ireland is Clause 8 of the Bill and will Northern Ireland be included in Clause 8?

View

Whilst Clause 8 of the draft Bill does not apply explicitly to NI, actions arising under Lifetime Opportunities and the NI Child Poverty Strategy will seek to address the

barriers and causes of poverty and social exclusion. The issues dealt with in Clause 8 of the draft Bill - skills, health, education, social services, housing and financial support - are all issues which are recognised as having an impact in the field of poverty and social inclusion and will be considered under Lifetime Opportunities. Relevant Departments here will be responsible for bringing forward policies and actions designed to deliver against targets.

Comment

8. Seeking an amendment to the terms of reference of the expert commission (Schedule 1) to set out the commission's independence and power to commission research and call for evidence. Set out the Child Poverty Commission independence from Government, ability to hold Government to account, power to commission research and call for evidence.

View

Schedule 1 of the draft Bill sets out in detail the composition of the proposed Commission and paragraph 11 of this schedule indicates the intent that the Commission be independent of Government.

Comment

9. Recommend that a requirement to consult with low income children and young people and their families and the appropriate organisations in all stages of strategy development, implementation, monitoring and evaluation, is included in the Bill's provisions.

View

The Explanatory Notes to the Bill (paragraph 77) details the requirement to consult "such children or organisations working with children as the devolved administration thinks fit". This would allow us to consult children and young people and their families as the Committee suggests.

Comment

10. As the policy responsibility for children and young people's issues falls to the Junior Ministers and OFMDFM, *Part 1 clause 11* should refer to this and not to the Secretary of State who is responsible for reserved and excepted matters.

View

Officials are involved in detailed discussions with the Bill team and legal advisers on how the legislation should be drafted to ensure that roles and responsibilities are reflected properly.

Comment

11. Recommend that a statutory duty is inserted so that NI Government must consult with all children and young people.

View

We recognise that it is good practice to consult with children and young people where policies are likely to impact on them.

The Explanatory Notes to the bill (paragraph 77) details the requirement to consult "such children or organisations working with children as the devolved administration thinks fit".

It would not be possible to consult with all children and young people but we note the Committee's concern that children and young people themselves, as well as their families are consulted, and will take account of this will developing consultation programmes relating to child poverty.

Comment

12. Part 2 of the Bill places a duty on local authorities in England and Wales to undertake a child poverty assessment in their area and produce a local child poverty action plan. Again there are no such provisions for children living in Northern Ireland as part of the RPA legislation.

View

It is considered that any such duties would best be reflected in RPA legislation as it is developed rather. However, we fully agree with the sentiments of the Committee's points and will seek to ensure that appropriate action is taken at all levels of government to eliminate child poverty.

Additional Comments**Comment**

1. The First Minister and deputy First Minister should regularly report to the Assembly on the rates of child poverty so that we can monitor the outcomes.

View

One of the proposed amendment tabled at the Executive is seeking to have clarity on local reporting arrangements and it is expected the Committee's request can be accommodated within this structure. The agreed reporting and monitoring framework for Lifetime Opportunities will provide Ministers with data on a range of indicators that contribute to the overall child poverty rates, all of this information would relevant for monitoring purposes.

Comment

2. What tracking systems are in place for measuring outcomes?

View

As above

Comment

3. Where do the NICS Departments feed into the setting of targets and do OFMDFM have an overseeing role? Consider how meeting child poverty targets can be effectively contributed to by regional agencies and local government structures.

View

It is considered that the amendment being proposed will ensure that all Departments and Public Bodies recognise the role they must play in tackling child poverty.

Comment

4. Has a system of monitoring not been adapted yet, the Equality Impact Assessment process requires that as part of the process Department's monitor the impact of policies and strategies, the Committee feel it is vital to prove the outcomes and would like to see a copy of the framework?

View

The monitoring and reporting framework for Lifetime Opportunities agreed by the Executive recently addresses this issue and has been copied to the Committee for information.

Comment

5. Additional resources to accompany the new duties on local authorities to reduce child poverty.

View

Part 2 of the draft Bill only applies in England and it is anticipated that it would be premature to impose duties on existing structures in NI in advance of any reform of local government.

Comment

6. The development and delivery of NI specific strategy, the action planning process is underpinned and driven by a statutory duty on government departments and their agencies to co-operate and work together to plan and commission services that will safeguard and protect children and young people's rights.

View

It is considered that the amendment being proposed to ensure that all Departments and Public Bodies recognise the role they must play in tackling child poverty together with our existing legislative protections adequately addresses this issue.

Comment

7. The development of a set of children's rights centred indicators to measure progress toward the achievement of outcomes.

View

The existing statutory provisions together with the agreed monitoring and reporting framework for Lifetime Opportunities allied to reporting arrangements under this UK Bill will ensure that progress is effectively monitored.

Comment

8. The establishment of systems and mechanisms to allow routine, disaggregated analysis of spending on children in all budget setting and allocation.

View

It is not considered practical, given the cross cutting nature of poverty/child poverty to disaggregate spending in relation to children/child poverty. Many of those considered as living in poverty are part of a family unit and measures which can assist the family will in turn help raise those children above the poverty line.

Comment

9. The Ministerial-led Poverty Forum that was established to monitor implementation of the Lifetime Opportunities Strategy has met only once in 2007 and the departmental action plans have as yet not been produced.

View

It is anticipated that the Ministerial-led Poverty Forum will meet in the autumn.



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Deputy First Minister**

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Rt Hon Stephen Timms MP
Financial Secretary to the Treasury
HM Treasury
1 Horse Guards Road
LONDON
SW1A 2HQ

Our Ref: SUB/918/09

9 October 2009

Dear Mr Timms

UK CHILD POVERTY LEGISLATION

We wrote to you in April pledging our support for the Child Poverty Bill and on behalf of the Northern Ireland Executive we would like to confirm our continued support and update you on progress here.

Following consultation with Executive colleagues and with the OFMDFM Committee, we identified some areas where amendments should be made to the legislation to reflect the current structures and responsibilities within government here.

Consequently, we would like to add a requirement on the Office of the First Minister and deputy First Minister (OFMDFM) to report to the Northern Ireland Assembly annually, setting out progress made by Northern Ireland in relation to the duties in the Child Poverty Bill. We would also want the bill to recognise the role and responsibility that other Northern Ireland Departments will have in relation to the Northern Ireland Strategy.

Following your agreement, we will seek to bring forward a Legislative Consent Motion to the Assembly seeking their consent for the inclusion of the relevant provisions in the Bill. A copy of this letter goes to the Secretary of State for Northern Ireland and the Chair of our Departmental Committee.

Yours sincerely

Peter D Robinson

RT HON PETER D ROBINSON MP MLA
First Minister

Martin McGuinness

MARTIN McGUINNESS MP MLA
Deputy First Minister

APPROVED BY THE MINISTERS
AND SIGNED IN THEIR ABSENCE



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Mr Danny Kennedy MLA
Chairperson
Committee for OFMDFM
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Our Ref: SUB/942/09

23 October 2009

We wrote to Minister Stephen Timms recently requesting amendments to the Child Poverty Bill and this letter was copied to you. We are now providing you with details of the amendments that have now been tabled by Minister Timms at the House of Commons Committee Stage of the legislative process. We have noted the Committee's comments about local government duties in relation to the eradication of poverty, and will explore options with Ministerial colleagues in the Executive on how this might be taken forward.

We are forwarding the draft Legislative Consent Motion and accompanying draft Legislative Consent Memorandum to the Committee for consideration.

The consent motion has been drafted in broad terms as follows:

"That this Assembly endorses the principle of the extension to Northern Ireland of the Child Poverty Bill introduced in the House of Commons on 11 June 2009".

The Memorandum provides detailed information on what the Child Poverty Bill is trying to achieve and on how it would affect this administration. It also provides an explanation of the amendments that the Executive agreed to request at its meeting on 9 July 2009. However, further refinement of the Memorandum may be required in advance of the Assembly considering the matter. Although Minister Timms has agreed to ask the Westminster Committee to agree the proposed amendments, the nature and timing of the Committee's decisions could mean that amendments to the memorandum would be required. We will keep the OFMDFM Committee informed about the position and would welcome any comments on the draft Legislative Consent Motion and the accompanying draft Legislative Consent Memorandum which is attached also.

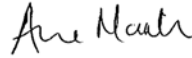
The relevant documents are attached as follows:

- Annex 1 – Legislative Consent Memorandum
- Annex 2a – Proposed Government amendments to the Child Poverty Bill including amendments to the NI clauses in the Bill
- Annex 2b – Document showing how the proposed amendment would appear in the Bill

Yours sincerely



RT HON PETER D ROBINSON MP MLA
First Minister



MARTIN McGUINNESS MP MLA
deputy First Minister

APPROVED BY THE MINISTERS
AND SIGNED IN THEIR ABSENCE



House of Commons

NOTICES OF AMENDMENTS

given on

Tuesday 20 October 2009

For other Amendment(s) see the following page(s) of Supplement to Votes

Child Poverty Bill Committee 21-26

PUBLIC BILL COMMITTEE

CHILD POVERTY BILL

Mr Stephen Timms

33

Clause 10, page 6, line 19, at end insert—

- () The Scottish Ministers must, on or before each report date relating to a Scottish strategy, lay before the Scottish Parliament a report which—
- (a) describes the measures taken by the Scottish Ministers in accordance with the Scottish strategy,
 - (b) describes the effect of those measures in contributing to the meeting of the targets in sections 2 to 5, and
 - (c) describes other effects of those measures that contribute to the achievement of the purpose mentioned in subsection (2)(b).
- () The report dates relating to a Scottish strategy are each anniversary of the day on which it was laid before the Scottish Parliament, other than an anniversary which falls -
- (a) on or after the date on which a subsequent Scottish strategy is so laid, or
 - (b) after the end of the target year.'

Member's explanatory statement

This amendment requires the Scottish Ministers to lay before the Scottish Parliament an annual report describing how measures taken in accordance with the current Scottish strategy have contributed to meeting the targets and to ensuring that children in Scotland do not experience socio-economic disadvantage.

Mr Stephen Timms 34

Clause 11, page 6, line 32, leave out ‘relevant Northern Ireland department proposes’ and insert ‘Northern Ireland departments propose’.

Member’s explanatory statement

This amendment replaces the reference to the relevant Northern Ireland department with a reference to the Northern Ireland departments. The intention is to recognise that departments other than the Office of the First Minister and Deputy First Minister will take measures in accordance with the Northern Ireland strategy.

Notices of Amendments: 20 October 2009 28
Child Poverty Bill, continued

Mr Stephen Timms 35

Clause 11, page 6, line 44, leave out ‘relevant Northern Ireland department intends’ and insert ‘Northern Ireland departments intend’.

Member’s explanatory statement

See Member’s explanatory statement for amendment 34.

Mr Stephen Timms 36

Clause 11, page 7, line 3, leave out ‘relevant Northern Ireland department intends’ and insert ‘Northern Ireland departments intend’.

Member’s explanatory statement

See Member’s explanatory statement for amendment 34.

Mr Stephen Timms 37

Clause 11, page 7, line 7, leave out ‘relevant Northern Ireland department intends’ and insert ‘Northern Ireland departments intend’.

Member’s explanatory statement

See Member’s explanatory statement for amendment 34.

Mr Stephen Timms 38

Clause 11, page 7, line 12, leave out ‘relevant Northern Ireland department’ and insert ‘Northern Ireland departments’.

Member’s explanatory statement

See Member’s explanatory statement for amendment 34.

Mr Stephen Timms

39

Clause 11, page 7, line 19, at end insert—

‘() The relevant Northern Ireland department must, on or before each report date

relating to a Northern Ireland strategy, lay before the Northern Ireland Assembly a report which -

(a) describes the measures taken by the Northern Ireland departments in accordance with the Northern Ireland strategy,

(b) describes the effect of those measures in contributing to the meeting of the targets in sections 2 to 5, and

(c) describes other effects of those measures that contribute to the achievement of the purpose mentioned in subsection (2)(b).

The report dates relating to a Northern Ireland strategy are each
() anniversary of the day on which it was laid before the Northern Ireland Assembly, other than an anniversary which falls -

(a) on or after the date on which a subsequent Northern Ireland strategy is so laid, or

(b) after the end of the target year.’

Member’s explanatory statement

Northern Ireland do not experience socio-economic disadvantage.

This amendment requires the relevant Northern Ireland department to lay before the Northern Ireland Assembly an annual report describing how measures taken in accordance with the current Northern Ireland strategy have contributed to meeting the targets and to ensuring that children in Northern Ireland do not experience socio-economic disadvantage.

Notices of Amendments: 20 October 2009

29

Child Poverty Bill, continued

Mr Stephen Timms

40

Clause 13, page 8, line 3, leave out from beginning to ‘lay’ and insert ‘The

Secretary of State must, on or before each report date relating to a UK strategy’.

Member’s explanatory statement

This amendment (with amendments 41, 42, 43 and 45) clarifies the wording of clause 13. The laying of each UK strategy triggers an obligation to lay annual reports on the implementation of that strategy, until either the next strategy is laid or the end of the target year is reached.

Mr Stephen Timms

41

Clause 13, page 8, line 7, leave out ‘current’.

Member’s explanatory statement

See Member’s explanatory statement for amendment 40.

Mr Stephen Timms

42

Clause 13, page 8, line 8, leave out subsection (2) and insert—

‘(2) The report dates relating to a UK strategy are each anniversary of the day on

which it was laid before Parliament, other than an anniversary which falls—

(a) on or after the date on which a subsequent UK strategy is so laid, or

(b) after the end of the target year.’

Member’s explanatory statement

See Member’s explanatory statement for amendment 40.

Mr Stephen Timms

43

Clause 13, page 8, line 15, leave out ‘most recent’.

Member’s explanatory statement

See Member’s explanatory statement for amendment 40.

Mr Stephen Timms

44

Clause 13, page 8, line 17, leave out ‘relevant Northern Ireland department’ and

insert 'Northern Ireland departments'.

Member's explanatory statement

See Member's explanatory statement for amendment 34.

Mr Stephen Timms

45

Clause 13, page 8, line 23, leave out 'most recent'.

Member's explanatory statement

See Member's explanatory statement for amendment 40.

Mr Stephen Timms

46

Clause 15, page 9, line 24, leave out 'them' and insert 'the Scottish Ministers or, as

the case may be, to the Northern Ireland departments'.

Member's explanatory statement

The effect of this amendment is that, in relation to Northern Ireland, clause 15(3)(a) refers to the Northern Ireland departments in general, rather than to the Office of the First Minister and Deputy First Minister. See Member's explanatory statement for amendment 34.

Notices of Amendments: 20 October 2009

30

Child Poverty Bill, continued

Steve Webb

John Barrett

47

Clause 8, page 4, line 25, at end add—

'(e) childcare'.

Steve Webb

John Barrett

48

Clause 7, page 3, leave out lines 29 to 32.

Steve Webb

John Barrett

49

Schedule 1, page 17, line 20, at end insert ‘The sums under 9(c) shall include resources to commission independent research as required.’.

Benefit levels

Steve Webb

John Barrett

NC2

To move the following Clause:—

‘The Secretary of State shall ensure that a household wholly dependent on tax credits or social security benefits as an income at, or above, the relative low income target in section 2 (the relative low income target)’.

UK Child Poverty Bill

Legislative Consent Motion at front of pack.

ANNEX 2b

11 Northern Ireland strategies

(1) The relevant Northern Ireland department must, before the end of the period of 12 months beginning with the day on which this Act is passed, publish and lay before the Northern Ireland Assembly the first Northern Ireland strategy. **30**

(2) A “Northern Ireland strategy” is a strategy under this section setting out the measures that Northern Ireland departments propose to take—

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(a) for the purpose of contributing to the compliance by the Secretary of State with section 1 (duty to ensure that targets are met), and

(b) for the purpose of ensuring as far as possible that children in Northern Ireland do not experience socio-economic disadvantage. **35**

(3) Before the end of the period to which a Northern Ireland strategy relates, the relevant Northern Ireland department must review the strategy and publish and lay before the Northern Ireland Assembly a revised Northern Ireland strategy, but this subsection does not apply after the beginning of the target year. **40**

(4) A Northern Ireland strategy must—

(a) where it relates to a period ending before the end of the target year—

(i) describe the progress that Northern Ireland

departments intend to make in Northern Ireland by the end of

the period to which the strategy relates in contributing to the

Child Poverty Bill

Part 1 — National targets, strategies and reports

7

meeting of the targets in sections 2 to 5 in relation to the target year,

(ii) describe the other progress that Northern Ireland

Deleted: the relevant

departments intend to make by the end of the period to which

Deleted: s

the strategy relates in achieving the purpose mentioned in

5

subsection (2)(b), and

(b) describe the progress that Northern Ireland departments

Deleted: the relevant

intend to make by the end of the target year in achieving the purpose

Deleted: s

mentioned in subsection (2)(b), otherwise than by contributing to the

meeting of the targets.

10

(5) A Northern Ireland strategy other than the first must also—

(a) describe the measures taken by Northern Ireland

Deleted: the relevant

departments in accordance with the previous Northern Ireland strategy,

(b) describe the effect of those measures in contributing to the meeting of

the targets in sections 2 to 5, and

15

(c) describe other effects of those measures that contribute to the

achievement of the purpose mentioned in subsection (2)(b).

- (6) A Northern Ireland strategy may not include proposals that relate to excepted or reserved matters, within the meaning of the Northern Ireland Act 1998.

Clause 11, page 7, line 19, at end insert—

'() The relevant Northern Ireland department must, on or before each report date falling before the end of the target year, lay before the Northern Ireland Assembly a report which-

- (a) describes the measures taken by the Northern Ireland departments in accordance with the most recent Northern Ireland strategy,
- (b) describes the effect of those measures in contributing to the meeting of the targets in sections 2 to 5, and
- (c) describes other effects of those measures that contribute to the achievement of the purpose mentioned in subsection (2)(b).

() The report dates are each anniversary of the day on which the most recent Northern Ireland strategy was laid before the Northern Ireland Assembly, [but the date on which the next Northern Ireland strategy is so laid is not a report date].'

- (7) References in this section to the period to which a Northern Ireland strategy **20** relates are references to the period beginning with the date on which the

Deleted: '() . During the period beginning with the day on which the first Northern Ireland strategy is laid before the Northern Ireland Assembly ("the reference date") and ending immediately before the target year, the relevant Northern Ireland department must, on or before each anniversary of the reference date, lay before the Northern Ireland Assembly a report which-¶
¶
<#>describes the measures taken by the Northern Ireland departments in accordance with one or more Northern Ireland strategies since the reference date or the date of the previous report under this subsection.¶
<#>describes the effect of those measures in contributing to the meeting of the targets in sections 2 to 5, and¶
<#>describe other effects of those measures that contribute to the achievement of the purpose mentioned in subsection (2)(b).'

Northern Ireland strategy is laid before the Northern Ireland Assembly and—

(a) except in the case of a Northern Ireland strategy laid before the Assembly less than 3 years before the beginning of the target year, ending 3 years later, and

25

(b) in that excepted case, ending with the target year.

13 Reports by Secretary of State

(1) The Secretary of State must, on or before each report date relating to a UK strategy lay before Parliament a report on the progress made— **5**

- (a) towards meeting the targets in sections 2 to 5, and
- (b) in implementing the UK strategy.

Deleted: During the period beginning with the day on which a UK strategy is laid before ¶
¶
Parliament and ending with the target year, the Secretary of State must, on or ¶
¶
before each report date.

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(2) The report dates relating to a UK strategy are each anniversary of the day on which it was laid before Parliament, other than an anniversary which falls—

- (a) on or after the date on which a subsequent UK strategy is so laid, or
- (b) after the end of the target year,

(3) The Secretary of State must, as soon as reasonably practicable after the end of **10** the target year, lay before Parliament a report on the progress made in implementing the most recent UK strategy.

Deleted: (2) The report dates are each anniversary of the day on which the most recent UK ¶
¶
strategy was laid before Parliament.¶

(4) A report under subsection (1) or (3) must in particular—

(a) describe the measures taken by the Secretary of State in accordance with the UK strategy, **15**

(b) describe the measures taken by the Scottish Ministers, the Welsh Ministers and Northern Ireland departments in accordance with a Scottish strategy, a Welsh strategy or a Northern Ireland strategy,

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Deleted: the relevant

(c) in the case of a report under subsection (1), describe the effect of all those measures on progress towards the targets and on progress in achieving the purpose mentioned in section 8(2)(b). **20**

(5) If the UK strategy has not been implemented in full, the report must describe the respects in which it has not been implemented and the reasons for this. **25**

Deleted: most recent

(6) Before preparing a report under subsection (1) or (3), the Secretary of State must consult the Scottish Ministers, the Welsh Ministers and the relevant Northern Ireland department.

15 Economic and fiscal circumstances

(1) The matters mentioned in subsection (2) must be taken into account—

- (a) by the Secretary of State in preparing a UK strategy;
- (b) by the Commission in considering any advice to be given to the Secretary of State, the Scottish Ministers or the relevant Northern Ireland department.

15

(2) Those matters are—

- (a) economic circumstances and in particular the likely impact of any measure on the economy;
- (b) fiscal circumstances and in particular the likely impact of any measure on taxation, public spending and public borrowing.

(a) the resources that are or may be available to ~~the Scottish Ministers or, as the case may be, to the Northern Ireland departments~~, and

(b) the effect of the implementation of the strategy on those resources.

25

Deleted: ¶
(3) In preparing a Scottish strategy or a Northern Ireland strategy, the Scottish ¶
¶ Ministers or the relevant Northern Ireland department must have regard to—¶
¶

Deleted: them

4

Child Poverty Bill
Minutes of Evidence

01 July 2009

http://www.niassembly.gov.uk/centre/2007mandate/moe/090701_child_poverty.htm

16 September 2009

http://www.niassembly.gov.uk/centre/2007mandate/moe/2009/090916_UK%20Child%20Poverty%20Bill.htm

30 September 2009

http://www.niassembly.gov.uk/centre/2007mandate/moe/2009/090930-Child_Poverty_Bill.htm

04 November 2009

[Attached](#)



**Northern Ireland
Assembly**

COMMITTEE
FOR THE OFFICE OF THE
FIRST MINISTER AND DEPUTY FIRST MINISTER

OFFICIAL REPORT
(Hansard)
Uncorrected

Child Poverty Bill

4 November 2009

NORTHERN IRELAND ASSEMBLY

**COMMITTEE
FOR THE OFFICE OF THE FIRST MINISTER AND
DEPUTY FIRST MINISTER**

Child Poverty Bill

4 November 2009

Members present for all or part of the proceedings:

Mr Danny Kennedy (Chairperson)
Mrs Naomi Long (Deputy Chairperson)
Ms Martina Anderson
Mr Tom Elliott
Mr Barry McElduff
Mr Stephen Moutray
Mr George Robinson
Mr Jim Shannon

Witnesses:

Ms Patricia Carey)
Dr Gerry Mulligan) OFMDFM
Mr Michael Pollock)

The Chairperson (Mr Kennedy):

We will now hear a briefing from departmental officials, Gerry Mulligan — who is here more often than most of us — Patricia Carey and Michael Pollock, on the amendments to the UK Child Poverty Bill and the legislative consent motion. Members have a copy of a letter from the First Minister and deputy First Minister, the legislative consent memorandum, the notice of amendments and the Department's response, on 16 September 2009, to issues raised by the

Committee.

Good afternoon, you are very welcome. The evidence session will be recorded by Hansard. Perhaps you will make an opening statement and then leave yourselves available for questions.

Dr Gerry Mulligan (Office of the First Minister and deputy First Minister):

I am happy to do that. Thank you for the invitation to further brief the Committee on progress with the UK Child Poverty Bill. You know Patricia and Michael, who are leading the Bill in the Department.

As you know, the First Minister and deputy First Minister wrote to the lead Minister for the Bill, Stephen Timms, on 9 October requesting amendments to the Bill; first, to place duty on OFMDFM to report annually to the Assembly, and, secondly, to extend the scope of the Bill to all Northern Ireland Departments. Minister Timms agreed, and those amendments were included in Government amendments going forward to the Westminster Committee's consideration of the Bill. The Committee Stage is now complete, and the Committee at Westminster has accepted the amendments, which will now be part of the draft Bill.

As well as providing this Committee with a copy of their letter to Minister Timms, our Ministers forwarded, on 23 October, a copy of the legislative consent motion and accompanying memorandum, which is scheduled to be the subject of an Assembly debate on Monday 16 November. Our Ministers would welcome the Committee's views on those and hope to secure the Committee's support for the motion on the day. We expect that the Report Stage at Westminster will be in early December and that the Bill will obtain Royal Assent in early January.

As the Committee will be aware, there is then a duty on our Ministers to bring forward a strategy to the Assembly and to consult with both this Committee and the child poverty commission that is to be established under the legislation. Some preliminary work has already begun in that regard, principally through the child poverty board, a group that meets in Whitehall and is chaired by the Department for Children, Schools and Families. I will be happy to return to this Committee at any stage to consult with it as the work progresses in due course.

The Chairperson:

Thank you very much. Apart from final stages, have the legislative stages at Westminster been completed?

Dr Mulligan:

Other than the final stages, the Committee has completed its consideration of the amendments.

The Chairperson:

Has your Department made its final comments in respect of that?

Dr Mulligan:

The Department has made its final comments in respect of the amendments.

The Chairperson:

Are you content with that?

Dr Mulligan:

We are content that the amendments went forward, as requested by the First Minister and deputy First Minister.

The Chairperson:

Do you mean that you are content that the amendments were incorporated?

Dr Mulligan:

Yes.

The Chairperson:

The perspective of the Department is that it is content that the changes that it wanted are now included in the Bill. The Bill will now complete its passage through Westminster and receive Royal Assent. It will then come back to the Assembly for the consideration of any actions that arise from it.

Dr Mulligan:

That is right. When the Bill is enacted, the duty is in force, and the specific duty on our Ministers

is to bring a strategy to the Assembly within a year of that date. In the course of that work, Ministers will consult the Committee and the new commission that will be set up.

The Chairperson:

In a previous response, the Committee thought that Part 1, clause 11, should refer to junior Ministers rather than the Secretary of State, as it is they who have the policy responsibility for children and young people's issues. How did that ultimately work out?

Dr Mulligan:

Again, we had detailed discussions with our legal advisers and the officials who were briefing Parliamentary Counsel in the Department for Work and Pensions. Given that the term "Department" refers to OFMDFM as a corporate body with Ministers at its head, they took the view that that would be a more appropriate designation, in that it would, by implication, place the duty on our Ministers as the heads of the corporate body that is the Department.

Were we to designate a specific Minister with a particular responsibility, that designation could change over time. In a sense, that would then alter the legislation.

The Chairperson:

It remains a departmental responsibility.

Dr Mulligan:

It remains a departmental responsibility.

The Chairperson:

However, within that, the understanding is that that is where it will likely be referred to and dealt with.

Dr Mulligan:

That is correct.

Ms Anderson:

Gerry, I think that that is a welcome development, given that the Committee argued for OFMDFM to report to the Assembly and thus extend the scope to other Departments. That was

something that the Committee wanted.

At the moment, it may be difficult to envisage, but, in practice, how do you think that the child poverty commissioner, working independently, will liaise and engage with the two junior Ministers who have the specific responsibility in this field? What kind of relationship do you envisage them having? I know that the schedule to the Bill deals with the intent of the commission and what its role and remit will be. However, do you see that as being advantageous to assisting the strategy, putting it on the agenda, and keeping people focused on the issue?

Dr Mulligan:

Access to a commission that is made up of experts from different sectors — and we expect the commission to reflect academia, the voluntary and community sector, practitioners, and so on — provides government with a critical friend in whose interests it is to get things right. The anticipation is that there will be real value added in that process.

As you know, the legislation states that we must consult with the child poverty commission. That could be done through correspondence. However, I suspect that we would want to go beyond that and meet with the commissioners to get their views on our work as it develops. I anticipate that the commissioners would have a duty to see to what extent the strategies within the devolved administrations are consistent with policies elsewhere. For example, the commission could advise us if it felt that there were gaps. I cannot be confident about that.

Ms Anderson:

Will the commission have a consultative role, or will it be able to make an input that could shape the strategy?

Dr Mulligan:

I anticipate receiving written reports on our draft strategy from the commission. Our Ministers must write to them, and they must have regard for their comments. Again, that is in the legislation.

Ms Anderson:

Must they have due regard for what the commissioners say?

Dr Mulligan:

They must have due regard for the opinions of the commissioners. The legislation states that we will be able to nominate one person to the commission. That will guarantee that our interests are reflected.

The Chairperson:

Members have no further questions. Thank you for your presentation. I know that you are looking for the Committee's co-operation when the legislative consent motion is tabled on 16 November.

Dr Mulligan:

Yes.

The Chairperson:

We will think about that and let you know. Thank you.

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June 2009

Briefing Paper - The Child Poverty Bill

A good start, but more to do

Save the Children welcomes the general principles of the Government's Child Poverty Bill. Giving legal force to the commitment to eradicate child poverty by 2020 is a major step forward and will compel successive governments to account for what they are doing to achieve that goal. We particularly welcome that the Child Poverty Bill is a UK-wide piece of legislation, as cooperation between the Westminster Government and the Devolved Administrations is essential if we are to meet the 2020 target. In addition, we are pleased that the Bill requires Government to consult children in setting its child poverty strategy. A key message from Save the Children's consultation events with children and young people about the Bill was that policymakers should listen to children in poverty and learn from their experiences.

However, legislation alone will not end child poverty. Action must be taken at the national and local level. Without real investment to help lift families out of poverty, the goal of ending child poverty will never be achieved. 2.9 million Children live in poverty across the UKi – *around 100,000 in Northern Ireland*. This is a shocking statistic. Despite some success over the last ten years in reducing the number of children living in poverty, progress has halted in recent years. The interim target of halving child poverty by 2010 is at risk and not meeting this goal will make it more difficult to eradicate child poverty by 2020. Save the Children is aware of the pressures on Government caused by the economic crisis. The recession makes the challenge of tackling child poverty even more urgent.

This Second Reading briefing sets out our views on the key measures, highlights important issues and outlines where we think the Bill needs to be strengthened. We look forward to working with Government and Opposition parties to build consensus and provide an effective legislative base for eradicating child poverty across the UK once and for all.

The Bill's main provisions

The Bill aims to define success in eradicating child poverty, create a framework for monitoring progress and drive action at a national and local level.

- **Enshrines the target to eradicate child poverty by 2020 in legislation.** 'Eradication' will be defined using a number of measures and targets including - reducing the proportion of children in relative low income (below 60 per cent of the median income) to below 10 per cent, reducing the proportion of children in material deprivation combined with low income to below 5 per cent by 2020, and a measure of persistent poverty. (Clauses 1 – 6)
- **Establishes an expert child poverty commission** which is charged with advising the UK Government and Devolved Administrations on the development and implementation of their strategies to end child poverty. (Clauses 7, 9 and Schedule 1)
- **Places an obligation on the UK Government, Scottish Government and Northern Ireland Executive to produce child poverty strategies**, setting out how the 2020 target will be achieved. These strategies must be refreshed on a three year basis. (The Welsh Assembly Government has introduced the Children and Families (Wales) Measure in Wales which outlines similar duties.) (Clauses 8 – 12)
- **Places an obligation on the UK Government to report to Parliament annually on progress against the strategy**, including progress in the devolved nations. (Clauses 13 – 14)
- **Places a duty on local authorities and their partners in England to conduct a child poverty needs assessment and to produce a strategy setting out how they will reduce child poverty.** (Clauses 18 – 24)

Save the Children's key issues in the Child Poverty Bill

Save the Children welcomes many of the provisions in the Child Poverty Bill, however we believe that the Bill should be strengthened in a number of ways. During the Bill's passage, we will seek to ensure that:

Within the definition of eradication, the target for the proportion of children in relative low income is set at 5% or below and the target must be met in each jurisdiction as well as UK-wide.

- An interim target to end severe child poverty by 2015 is included within the definition of success. (N.B. This is the general position of Save the Children across the UK. However the NI Executive has already adopted the target to work towards ending severe child poverty by 2012 – therefore we would urge that the 2012 target contained in the Programme for Government is retained in the NI provisions of the bill.)

- There are effective mechanisms to ensure public bodies are accountable for their performance against the targets set, including a commission that is independent and possesses real powers to commission research and call for evidence.

- The NI strategy is based on Lifetime Opportunities, rather than necessarily requiring a new child poverty strategy from scratch, but with a much sharper focus on child poverty. We recommend that NI elected representatives consider the merits of including targets and costed actions across the areas set out at clause 8(5) in order to facilitate the production of meaningful annual reports.

- The annual reports specify how much has been spent on tackling child poverty and how many children have been lifted out of poverty.

- Local authorities are properly resourced to fulfil their new duties to reduce child poverty. Local authorities in NI will not be covered by the bill but we would urge NI elected representatives to consider how meeting child poverty targets can be effectively contributed to by regional agencies and local government structures.

1. Targets relating to child poverty (Clauses 1 – 6)

Clause (2): Save the Children believes the relative income target should be set at a precise numerical target of 5% or below, rather than below 10% as the Bill currently states. This is to ensure that the UK sets its ambitions at achieving the lowest, sustainable rate possible. This could be measured as a three-year average. We recommend that this relative income target has to be met in England and each of the devolved nations.

Clause (5): Save the Children welcomes the inclusion of a measure of persistent poverty. We hope that the measure is defined as soon as is practicable. We believe that the target for persistent poverty should be set to approach zero. In Northern Ireland we would draw attention to the fact that joint research carried out by Save the Children and Queen's University Belfast shows that at 21% persistent poverty is more than double the GB level – making it of particular importance here that a target is set to eradicate persistent poverty by 2020.

Action: Save the Children will be seeking an amendment to set the relative income target at 5% or below and to ensure that the target must be met in England and each of the devolved nations.

1.1 Severe child poverty

Save the Children is concerned that 1.4 million children (10%) live in severe poverty in the UK – *44,000 in Northern Ireland*.ⁱⁱ Save the Children's analysis has shown that current policy interventions are not reaching this group of children. The number of children living in severe poverty has not reduced in recent years. In fact, recent research suggests that the recession will lead to an increase in severe child poverty.ⁱⁱⁱ

- ⁱⁱ Save the Children (2007) Measuring severe child poverty in the UK. Save the Children defines severe poverty as households with an income of 50% of the median, and where both adults and children lack at least one basic necessity, and either adults or children or both groups lack at least two basic necessities.
- ⁱⁱⁱ JRF (2009) Ending child poverty in a changing economy

In their most recent Concluding Observations, the UN Committee on the Rights of the Child recommended that legislation and strategy for tackling child poverty should focus attention on those living in the most severe poverty. Further, the Work and Pensions Select Committee recommended the creation of an 'explicit indicator' to measure progress on severe and persistent poverty in its enquiry on child poverty in 2006/07. In addition to a measure of persistent poverty, Save the Children therefore believes that a measure of severe poverty must be included in the Bill's measures of success.

Whilst fully supportive of the 60% median poverty threshold as the benchmark for assessing progress towards ending child poverty, we are concerned that focusing solely on this threshold could have a detrimental impact on the most deprived children. It is vital to have a strong focus on severe and persistent poverty to ensure that the most disadvantaged are not left behind.

Action: Save the Children will be seeking an amendment to ensure a UK Government target to eradicate severe child poverty by 2015 is included in the Bill as part of the measure of success. Since the NI Executive has already adopted a 2012 target, we would urge NI elected representatives to ensure that this earlier target is included in the NI provisions of the bill.

2. The Child Poverty Commission (Clauses 7, 9 and Schedule 1)

There need to be effective mechanisms for monitoring progress and holding local and central government to account for their performance against the targets set and strategies agreed. Save the Children welcomes the Government's proposal to set up an expert commission. We believe that the current provisions need to be strengthened to ensure that the commission can drive the action needed. The commission should be independent of Government to ensure external challenge through a scrutiny body. The main role for the commission should be to scrutinise the strategy, its implementation and progress. The second role for the commission would be to advise on the framework for developing the strategy.

Save the Children is pleased that the commission's advice will be made public, but to give the commission 'teeth' it should have powers to commission research and call for evidence, rather than be reliant on existing Government research. The Bill states that the Government must 'have regard to' the commission's advice, but we believe the Bill should explicitly state that the Government must explain to Parliament why it rejects any of the commission's recommendations.

In Northern Ireland we believe that independent local experts should have positions on the commission in addition to a government appointment. If the number of appointments to the commission is determined solely in relation to our proportion of the UK population, the specific challenges of tackling child poverty in Northern Ireland may not be adequately addressed because of under-representation of informed experts.

Action: Save the Children will be seeking an amendment to the terms of reference of the expert commission (Schedule 1) to set out the commission's independence and power to commission research and call for evidence.

3. Northern Ireland Strategies (Clauses 8 - 11)

Save the Children supports a duty placed on the UK government to publish and lay a UK strategy before Parliament every three years and a duty on the Executive to place a NI strategy before the Assembly. Save the Children believes that the NI strategy should be based on Lifetime Opportunities, rather than requiring a new strategy to be developed from scratch, but with a much sharper focus on child poverty, and furthermore we believe that politicians should consider the merits of targets and costed actions for tackling inequalities being included as part of this strategy, for education, health, childcare and housing inter alia, in order to facilitate the production of meaningful annual reports.

Action: Save the Children in NI will be advocating that the NI child poverty strategy is based on Lifetime Opportunities and includes measures to tackle inequalities set out at clause 8(5) as well as income inequality.

4. Reports by Secretary of State (Clauses 13 – 14)

Save the Children welcomes the Bill's requirement that the Government provide Parliament with annual reports on progress in each jurisdiction towards the child poverty target. It is unclear exactly how the annual reports will be made to Parliament, and what role the Select Committees will play in ensuring rigorous parliamentary scrutiny of progress towards 2020. One option would be to establish a Joint Child Poverty Select Committee to hold the Government to account on the child poverty strategy, made up of members of relevant existing Select Committees (Treasury; Work and Pensions; Children, Schools and Families; and Welsh, Scottish and Northern Ireland Affairs).

To successfully drive action Save the Children believes the annual reports should specify how much money has been spent on tackling child poverty and how many children have been lifted out of poverty. The Bill must be backed up with sufficient resources. Achieving constant, sustainable progress on raising family incomes and narrowing the gaps in other outcomes, such as housing and education, will require adequate resources at both national and local level.

Therefore, Save the Children believes that Government needs to begin to analyse how much expenditure is being allocated to the poorest children and whether this expenditure is reaching and benefiting children living in poverty in the UK. Save the Children's forthcoming report, *A Child's Portion*, provides such analysis and is a good starting point for the Government to build upon. Save the Children also urges that each devolved administration should lay an annual report before its own legislature.

Action: Save the Children will be seeking an amendment to ensure the Governments' annual reports specify how much has been spent on tackling child poverty and how many children have been lifted out of poverty.

5. Economic and fiscal circumstances (Clause 15)

The Government's consultation on the child poverty legislation proposed that meeting the 2020 target should be subject to overall affordability, so that in adverse economic circumstances the Government could be exempt from the legal commitment to meet the target. Save the Children very much welcomes that this clause does not feature in the Child Poverty Bill. However, Clause 15 requires the UK Government and Devolved Administrations, as well as the Child Poverty Commission, to take into account the impact of measures to tackle child poverty on the economy and on taxation, spending and borrowing. Child poverty is estimated to cost the UK at least £25 billion each year, and yet the long-term improvement in the fiscal position which tackling child poverty would bring about is not mentioned here. Save the Children is concerned that this clause could be interpreted in such a way as to weaken the legislation and strategy development process.

6. Duties of local authorities and other bodies in England (Clause 18 – 24)

To eradicate child poverty by 2020, it is imperative that child poverty is a strategic priority in all local authorities; that local services are designed and implemented to meet the needs of the poorest families; and that systems are in place to track progress on a regular basis. Save the Children welcomes proposals to formalise duties on local authorities and their partners to tackle child poverty. We believe this is necessary for three reasons. Firstly, to direct ownership and ambition to take action to address child poverty. Second, to ensure clear accountability for progress, and thirdly to drive action so that local authorities are effectively contributing to the national target. However, we believe additional duties on local authorities must be accompanied by central government support and resources.

Local authorities in Northern Ireland are not covered by the bill but we would urge NI politicians to consider how government will best meet its child poverty targets through practical and effective cooperation by regional agencies and local government. (Lifetime Opportunities already contains targets that government will support every local authority to identify and address gaps in provision of services for early years children, children and young people and older people in rural areas by 2020.)

Action: Save the Children is calling for additional resources to accompany the new duties on local authorities to reduce child poverty.

7. Consultation

The bill proposes that in preparing the UK strategy, the Secretary of State must consult such children or organisations working with or representing children, as the Secretary of State thinks fit; and similarly in preparing the NI strategy, the devolved administration must consult children or organisations working with or representing children, as the devolved administration sees fit. We would urge NI politicians to bear in mind the obligations of public authorities under Section 75 to consult those most likely to be affected by particular policies in order to identify any adverse impact at the earliest possible stage. We therefore urge that this provision be strengthened to

ensure consultation with low income children and young people and their families as well as with the appropriate organisations.

Action: Save the Children in Northern Ireland recommends that a requirement to consult with low income children and young people and their families and the appropriate organisations in all stages of strategy development, implementation, monitoring and evaluation, is included in the bill's provisions.

About Save the Children

Save the Children fights for vulnerable children in the UK and around the world who suffer from poverty, disease, injustice and violence. We work with them to find lifelong answers to the problems they face. We work to ensure that the rights of children in the UK are protected, promoted and respected in line with the UN Convention on the Rights of the Child (UNCRC) and other international human rights instruments.

Save the Children is a leading member of the Campaign to End Child Poverty (ECP) in GB and chairs the Child Poverty Alliance in NI. We will be working with members of ECP and CPA in lobbying on the Child Poverty Bill.

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We're the world independent children's charity. We're outraged that millions of children are still denied proper healthcare, food, education and protection. We're working flat out to get every child their rights and we're determined to make further, faster changes. How many? How fast? It's up to you.



BRIEFING PAPER: CHILD POVERTY

Law Centre (NI)

Law Centre (NI) is a public interest law non-governmental organisation. We work to promote social justice and provide specialist legal services to advice organisations and disadvantaged individuals through our advice line and our casework services from our two regional offices in Northern Ireland. It provides a specialist legal service (advice, representation, training, information and policy comment) in five areas of law: social security, mental health, immigration, community care and employment. Law Centre services are provided to over 450 member agencies in Northern Ireland.

Child Poverty Bill

The Westminster Government introduced a new Child Poverty Bill on 11 June 2009. This sets targets for the eradication of child poverty. Once enacted, the legislation will place an obligation on the Northern Ireland Assembly to develop a local strategy, within 12 months from the day the Act is passed, to set out the measures it will take to meet the child poverty targets set out in the Bill. There are approximately 100,000¹ children in Northern Ireland living in poverty with around 44,000² children living in severe poverty. The UK Government has pledged to reduce child poverty by 50 percent by 2010 and to eradicate child poverty by 2020. Northern Ireland has an additional target, the first target of its kind in the United Kingdom, for the elimination of severe child poverty by 2012.

Law Centre welcomes the introduction of this Bill. It presents a number of challenges and opportunities for the local administration. The Bill requires the development of a local child poverty strategy. Given that the *Lifetime Opportunities* strategy is already in place, the development of a further discrete strategy on child poverty may not be necessary or appropriate. The inclusion of specific and costed child poverty actions and targets could go some way to ensuring that this strategy meets its existing targets for the elimination of severe child poverty and the anticipated new legislative requirement to counteract child poverty in NI. This will require capitalising on the work undertaken in the development of *Lifetime Opportunities*. As we understand it, however, the Ministerial-led Poverty Forum that was established to monitor implementation of

¹ Kenway et al, *Monitoring Poverty and Social Exclusion in Northern Ireland 2006*

² Magadi P and Middleton P, *Measuring Severe Child Poverty in the UK, Save the Children*, London

the *Lifetime Opportunities* strategy has met only once in 2007 and the departmental action plans have as yet not been produced.

The Westminster Bill has UK-wide application. We support the UK wide targets set within the Bill. These targets, however should be monitored in each jurisdiction so as to provide a comprehensive picture of overall progress. Given the difference in population in each jurisdiction it would be possible for the targets set in the Bill to be met by only one jurisdiction but not met in the other jurisdictions. The local administration has already set targets for the elimination of severe child poverty by 2012 and it is important that these are incorporated into the local strategy. A mechanism for reporting to the devolved administration as well as to Westminster on those targets needs to be developed.

Childcare Strategy

The elimination of child poverty requires a number of other actions. The OFMDFM Committee Inquiry into Child Poverty recognised the importance of supporting parents in work as a key aspect of the strategy to combat child poverty. The Welfare Reform Bill 2009 which is currently making its way through Westminster seeks to enact measures to move lone parents into work. Regulations have already been passed to transfer lone parents to income based Job Seeker's Allowance³ those whose youngest child is 12 in November 2008, 10 in October 2009 and 7 in October 2010. The regulations envisage a system of sanctions which may be applied to lone parents who do not meet the requirements of the Jobseekers Allowance.

We support a policy of positively encouraging lone parents into paid work at an appropriate time supported by measures tailored to facilitate and encourage lone parents to do so. The lack of childcare infrastructure in Northern Ireland raises concern as to how these Regulations will be implemented in practice. Further concern focuses on the potential impact on child poverty of the sanctions regime that may apply under these regulations.

The policy of moving lone parents to Jobseekers Allowance requires that quality, affordable and flexible childcare is available to allow parents to take-up paid work. In Northern Ireland, however, one of the most significant barriers to employment for low income families is the lack of good quality, affordable

³ Jobseeker's Allowance is the main social security benefit in the UK for people of working age who are out of work.

childcare.⁴ The Department for Social Development recently advised the Social Security Advisory Committee in relation to the new regulations that that *'current levels of provision are manageable for the first tranche of lone parent changes (12+), but that provision does not currently exist to cover the second and third tranches (with progressively younger children).'*⁵ When asked about the likelihood of childcare provision being in place for the second tranche, Mr O'Neill also reported that he was not confident that Northern Ireland would have adequate childcare provision in place for the second tranche of changes by October 2009.⁶ The Minister for Social Development's recent announcement to the Assembly⁷ that extra flexibility, which is not available in Britain, has been built into the regulations for lone parents here, is welcome but does not obviate the need for urgent action to develop a childcare strategy.

Conclusion

In 2004 the UK Government published a ten year childcare strategy for the whole of the UK.⁸ One of the objectives was "the delivery of affordable high quality childcare places that meet the circumstances for all families (with children up to age 14) who need it." Responsibility for the implementation was to be shared between the Westminster government and the devolved administrations. Implementation of this strategy is hampered by the lack of a strategic approach to childcare policy in Northern Ireland.

The Childcare Act 2006 in England and Wales is a response to some of the key recommendations of the 10 year childcare strategy. The Act introduced a new set of duties for local authorities. These duties require authorities to improve the five Every Child Matters outcomes for all pre-school children and reduce inequalities in these outcomes, secure sufficient childcare for working parents and provide parental information services. Public Bodies in Northern Ireland are under no obligation to assess and meet local childcare needs as is required by the Childcare Act 2006 in England and Wales.

⁴ Committee for the Office of the First Minister and Deputy First Minister, Final Report on the Committee's Inquiry into Child Poverty in Northern Ireland, Report 08/07/08R June 2008

⁵ Social Security Advisory Committee, Minutes December 2008 at http://www.ssac.org.uk/pdf/minutes_dec08.pdf correct as of 17/04/09

⁶ Ibid

⁷ The Ni Assembly Official Report 26 May 2009 at <http://www.niassembly.gov.uk/record/reports2008/090526.htm> correct as of 15.06.09

⁸ HM Treasury (2004) "Choice for parents: the best start for children: a ten year strategy for childcare"

At present, there is no lead department responsible for childcare, no childcare or investment plan to support the benefit changes, no statutory duty on any public authority or government department to ensure sufficient childcare is available.

Any strategy to end child poverty in Northern Ireland must take these issues into account and put in place measures to deal with childcare need as a matter of priority or child poverty will remain a reality for the considerable future. We recommend, therefore that primary responsibility be given to one government department to develop and implement a childcare strategy. Any legislation on child poverty must take into account the differing standards and level of investment in childcare across the UK. To combat this inequality we would urge for improved investment in childcare provision in Northern Ireland as part of the wider welfare reforms. Further the Executive should consider enacting similar obligations to those in the Childcare Act 2006 in Northern Ireland to ensure that local authorities are required to assess and meet local childcare needs.

Law Centre (NI)
June 2009

Barnardo's NI Response – Child Poverty Bill

Introduction

- 1) Barnardo's NI welcomes the Child Poverty Bill and views it as a positive step forward in government's commitment to addressing child poverty. We welcome the policy focus that can be provided by the Bill both in Westminster and within the NI Executive.
- 2) We particularly welcome the inclusion of NI within the Bill and the focus that this gives to ensuring child poverty is a key issue for the NI Executive.

Key Issues

- 3) We welcome the duty to be placed on OFMDFM to produce and publish a child poverty strategy within one year of Royal Assent of this Bill. We realise that Lifetime Opportunities will form the broad framework for any such Strategy but believe that if child poverty is to be effectively addressed then the proposed Strategy under the Bill must provide a clear series of programmes and actions that will seek to lower the rate of child poverty and assist in meeting the legislative targets. This would require that a further Strategy specifically focused on child poverty is developed and funded by the NI Executive.
- 4) We would want to see the NI Executive commitment to eradicating severe child poverty included in the targets within the legislation.
- 5) Clause 13 of the Bill as it currently stands places a duty on the Secretary of State to monitor the rates of child poverty on a UK basis in relation to each of the targets included within the Bill and report to Westminster annually on the extent to which these targets are being addressed. Barnardo's believes the Bill should be amended to include a duty on OFMDFM to report on the rates of child poverty in Northern Ireland under each of the targets to the NI Assembly. It would be possible for the overall rates of child poverty on a UK basis to fall but for them to continue to be the same or indeed rise in NI. It is vital if we are to seriously address child poverty that we monitor annually and address why rates are increasing, decreasing or remaining static.
- 6) Clause 8 section 5 of the Bill places a duty on the Secretary of State in preparing a UK Strategy to consider what measures if any ought to be taken in the following areas:
 - Promotion and facilitation of the employment of parents
 - Development of skills of parents
 - Provision of financial support for parents
 - Health, education and social services
 - Housing and the built environment
 - The promotion of social inclusion.

There is no similar duty to take account of these areas placed on either OFMDFM or on the relevant NI Departments with responsibility for these areas

to contribute to a child poverty strategy. Consideration needs to be given on how to ensure within the NI Executive that these areas provide and support measures for addressing child poverty. There are a number of options including, putting a duty on OFMDFM or putting a duty on the relevant NI Departments.

- 7) Part 2 of the Bill places a duty on local authorities in England and Wales to undertake a child poverty assessment in their area and produce a local child poverty action plan. Again there are no such provisions for children living in Northern Ireland. Consideration could be given for the NI Executive to make a commitment to including such a duty on local councils alongside the proposed community planning and well-being duties as part of the RPA legislation.
- 8) Barnardo's NI want to put on record our concern that the target levels set in the Bill are still relatively high. The relative income level target has been set at 10% which would mean that 1 in 10 children would still live in poverty. The consultation on this Bill suggested a level of between 5 and 10 % and Barnardo's would support the 5% level.

Conclusion

- 9) In conclusion, overall Barnardo's welcome this Bill and see it as a positive step forward in beginning to address child poverty and to ensuring that it is monitored and addressed with an equal level of robustness in NI as on a UK level. However it will require both some amendment to the Bill and a commitment of resources to ensure there is a positive programme of actions.



COMMENTS

TO

**COMMITTEE FOR THE OFFICE OF
THE FIRST MINISTER AND
DEPUTY FIRST MINISTER**

CHILD POVERTY BILL

JUNE 2009

Key Points

- **As the policy responsibility for children and young people's issues falls to the Junior Ministers and OFMDFM, *Part 1 clause 11* should refer to this and not to the Secretary of State who is responsible for reserved and excepted matters.**
- **CINI would strongly advocate that in the development and delivery of UK Strategy and NI specific strategy, the action planning process is underpinned and driven by a statutory duty on government departments and their agencies to co-operate and work together to plan and commission services that will safeguard and protect children and young people's rights and in so doing allow them to reach the outcomes and targets set in these strategies**
- **CiNI recommends that an amendment be inserted to the terms of reference for the Child Poverty Commission (Schedule 1) to set out the Commission's; independence from Government, ability to hold Government to account, power to commission research and call for evidence.**
- **In the development of strategies and subsequent action plans, CiNI has consistently advocated for the development of a set of child rights centred indicators to measure progress toward the achievement of outcomes, with a balance between quantitative and qualitative indicators disaggregated to enable identification of discrimination so that the reality of children and young people's experiences are captured.**
- **CiNI would advocate for the establishment of systems and mechanisms to allow routine, disaggregated analysis of spending on children in all budget setting and allocation.**
- **CiNI recommends that a statutory duty is inserted so that UK Government and NI Government must consult with all children and young people and those who represent them who are experiencing or have had experiences of poverty in the ongoing development, implementation, monitoring and review of strategic policy to tackle child poverty in NI.**
- **As a young person with a disability or a young person who is looked after falls within the remit of the Northern Ireland Children's Commissioners legislation, up to the age of 21, this should also be included in the definition. These young people are most risk of being in poverty so they should receive extra targeted action.**

Introduction

Children in Northern Ireland (CiNI) is the regional umbrella body for the children's sector in Northern Ireland. CiNI represents the interests of its 134 member organisations, providing policy, information, training and participation support services to members in their direct work with and for children and young people. CiNI has recently opened up its membership to colleagues in the children's statutory sector recognising that the best outcomes for children are increasingly achieved working in partnership with all those who are committed to improving the lives of children and young people in Northern Ireland. CiNI is a member of the Child Poverty Coalition lead by Save the Children which has recently formed to campaign for an end to child poverty in NI.

CiNI welcomes this opportunity to submit comments to the Committee to support their consideration of the draft Child Poverty Bill.

CiNI has provided written evidence to the Committee's Inquiry into Child Poverty in November 2007 and presented oral evidence as well.

COMMENTS

CiNI broadly welcomes the intent and general provisions of this Bill. It will place a legislative obligation on Northern Ireland Executive to show how they are meeting the 2020 target. This duty is not in place in the current anti poverty strategy, Lifetime Opportunities.

Departmental Responsibility

As the policy responsibility for children and young people's issues falls to the Junior Ministers and OFMDFM, *Part 1 clause 11* should refer to this and not to the Secretary of State who is responsible for reserved and excepted matters.

Statutory Duty on Governments Departments to Co- Operate to meet targets

CINI would strongly advocate that in the development and delivery of UK Strategy and NI specific strategy, the action planning process is underpinned and driven by a statutory duty on government departments and their agencies to co-operate and work together to plan and commission services that will safeguard and protect children and young people's rights and in so doing allow them to reach the outcomes and targets set in these strategies

We believe that a statutory duty to co-operate and work together to promote and safeguard children's rights would bring the required level of transparency and accountability to the delivery of the Strategies which is currently absent in Northern Ireland. The statutory duty must transcend all levels and layers of government functioning, this is, it must be implemented at the top and underpin the operation of the Ministerial Sub-Committee on Children and Young People and it must flow through the Regional Strategy Planning and Review Group and its Regional Action Plan and into Local Strategy Planning and Review mechanisms and Local Area Action Plans.

CiNI would highlight that the four Area Children and Young People's Committees have developed proposals for 'A Joint Planning and Commissioning Framework to improve

Outcomes for Children and Young People'.⁹ The four inter-agency Committees, have developed proposals to put in place joint planning and commissioning arrangements from regional to local level to implement the Children and Young People's Strategy underpinned by a statutory on government and its agencies to co-operate and work together to plan services to deliver on the Strategy's outcomes.

Child Poverty Commission

CiNI welcomes the establishment of a Child Poverty Commission through legislation. This Act provides that the Commission will provide advice which Government must have regard to. The legislation needs to be strengthened so that there is statutory guidance for when Government [devolved administrations also] commissions advice from the Commission; how advice is to be commissioned; developed and delivered by the Commission and how it is then received and assessed by Government.

Where Government reaches a decision to disregard advice there should be a requirement that Government provide reasons as to its decision to disregard the advice within a reasonable timeframe; and we would suggest that there should be some mechanism through which the Commission could appeal against a decision by Government to disregard advice.

The Commission should also have the ability to hold Government to account. There needs to be effective mechanisms to ensure that at all levels of Government from Ministerial right down to local level delivery of services so that there is accountability for the performance against the targets set.

The Commission needs to be independent and possess powers to commission research and scrutinise Governments role through calling for evidence.

CiNI recommends that an amendment be inserted to the terms of reference for the Child Poverty Commission (Schedule 1) to set out the Commission's; independence from Government, ability to hold Government to account, power to commission research and call for evidence.

Northern Ireland Strategies and Annual Reporting

CiNI supports a duty placed on the UK Government to publish an lay a UK strategy before Parliament every 3 years an a duty on the Executive to place a NI strategy before the Assembly.

In the development of strategies and subsequent action plans, CiNI has consistently advocated for the development of a set of child rights centred indicators to measure progress toward the achievement of outcomes, with a balance between quantitative and qualitative indicators disaggregated to enable identification of discrimination so that the reality of children and young people's experiences are captured.

CiNI welcomes the duty placed on Government to provide annual reports on progress towards the child poverty target. These annual reports should specify how much money has been spent on tackling child poverty and how many children have been lifted out of poverty set against the targets specified in *Part 1 Clause 2,3,4,5*.

⁹ <http://www.southernareacsp.n-i.nhs.uk/papers/Ministerial.PDF>

CiNI would advocate for the establishment of systems and mechanisms to allow routine, disaggregated analysis of spending on children in all budget setting and allocation.

ENGAGEMENT WITH KEY STAKEHOLDERS

CiNI welcomes that in preparing a UK Strategy the Secretary of State must consult with children or organisations working with or representing children. However we are concerned about the phrase 'as the Secretary of State thinks fit.' Clarification is also required about whether this is relevant to the whole of the UK and not just England.

CiNI notes and agrees that the largest gap in information about child poverty is the voice of children themselves¹⁰. We would strongly advocate for the real and meaningful engagement of children and young people who are experiencing or have had experiences of poverty in the ongoing development, implementation, monitoring and review of strategic policy to tackle child poverty in NI. We would highlight that this is required in line with the Government's obligations under Article 12 of the UNCRC and section 75 of the NI Act 1998.

In developing a strategy for Northern Ireland, CiNI would specifically advocate that the OFMDFM Anti-Poverty Unit pro-actively engage with the OFMDFM funded Participation Network¹¹. They provide a free service to statutory agencies, local government and government departments providing training and consultancy, sign-posting and resources to support these agencies in developing their capacity to involve children and young people, including children and young people experiencing poverty, in the development of policies and services that affect them. We would highlight that Participation Network is a vital resource in supporting and enabling Government and its agencies to effectively engage with children and young people experiencing poverty when taking forward work to advance the development and implementation of a comprehensive strategic approach to tackling child poverty.

CiNI recommends that a statutory duty is inserted so that UK Government and NI Government must consult with all children and young people and those who represent them who are experiencing or have had experiences of poverty in the ongoing development, implementation, monitoring and review of strategic policy to tackle child poverty in NI.

Definition of a Child

As a young person with a disability or a young person who is looked after falls within the remit of the Northern Ireland Children's Commissioners legislation, up to the age of 21, this should also be included in the definition. These young people are most risk of being in poverty so they should receive extra targeted action.

Review of Public Administration

The legislation should reflect the changes in the structures which are occurring as a result of RPA in Northern Ireland.

¹⁰ Save the Children (2007) Annual Child Poverty Report 2007 p.17

¹¹ The Participation Network www.participationnetwork.org

**Child Poverty Bill including Implications for Northern Ireland
Action for Children (NI) - Second Reading Briefing
September 2009**

Summary

Action for Children fully supports the principles set out in the Child Poverty Bill, including the recognition that the long-term eradication of child poverty must necessarily include access to a wider range of services that families with complex and long standing issues require to lift them out of poverty and tackle on-going cycles of deprivation.

We call on all political parties to give their full commitment to enshrining a legal duty to take action to address child poverty by 2020. This legislation is a bold and significant step forward in providing the accountability necessary. We further welcome the integrated UK-wide nature of the legislation, as cooperation between the Westminster government and devolved administrations will be critical to achieve the 2020 target.

If the government is to achieve the 2020 target, young people in school now will need to be given adequate housing, employment, and targeted support in the period coming up to 2020 if their own children are to be kept out of poverty. The UK government faces a **formidable challenge** in meeting the complex and often long standing needs of the most vulnerable children, families and young people in our society to break the cycle of deprivation. National governments, local government and service providers all need to work together to achieve these aims.

Action for Children

Action for Children works with over 156,000 children, young people and their families through around 420 projects across the UK, directly helping families and children facing poverty and deprivation. Our reports and campaigning (such as *Growing Strong* and *Stuck in the Middle*) contribute to the policy debate around these issues.

Action for Children sees at first hand the difference that policy backed by effective provision can make to the lives of vulnerable children and young people, as well as the challenges and obstacles that those we work with still have to face. We are committed to exploring how families remain trapped within cycles of deprivation, what this means for them, as well as developing a sound evidence base about the services proven to work in tackling child deprivation.

Preventative services break the cycle of deprivation and reduce the likelihood of family breakdown. These services reduce long-term costs to society as a whole and also give hope to the most vulnerable children and their families by boosting their confidence and instilling a sense of aspiration. Investment in these services will empower people to make the most of education, training and employment opportunities and lift themselves out of the cycle of deprivation.

Below is a summary of Action for Children's views on the proposed legislation including implications for Northern Ireland.

ENSHRINING TARGETS TO ERADICATE CHILD POVERTY BY 2020 IN LEGISLATION

Clauses 2 & 5 : The relative low income target and persistent poverty measure

Action for Children's views

Though reducing child poverty from 23% to 10% would significantly reduce the extent of poverty, one in ten children living in poverty is not the same as eradication. Action for Children supports calls for the target for the proportion of children in relative low income to be set at 5% or below. The end point should be defined as the lowest point achieved elsewhere in Europe which is 5% of children living in poverty.

We welcome the inclusion of a measure of persistent poverty and believe the target for persistent poverty should be set to approach zero. In Northern Ireland research indicates that at 21% persistent poverty is more than double the GB level, making it of particular importance that a target is set to eradicate persistent poverty by 2020.

Since the Northern Ireland Executive has already adopted a 2012 severe child poverty target in its Programme for Government, we would urge elected representatives here to ensure that this target is retained and included in the Northern Ireland provisions of the Bill.

Consideration needs to be given to putting additional arrangements which ensure monitoring of income targets in respect of socially excluded and vulnerable groups of children and young people who live in communal settings or those who do not live in a 'residential' home address. While a small minority, such children and young people tend to be at high risk of living in poverty, social exclusion and subject to poor outcomes - as are families with disabled children and young people.

CHILD POVERTY COMMISSION

Clauses 7, 9 and Schedule 1: Establishing a Child Poverty Commission and consultation with others

Action for Children's views

The legislation establishes a Child Poverty Commission. This Commission is tasked with giving advice to Government (in Scotland, Wales, Northern Ireland and the UK) on tackling poverty, with authorities required to have regard to advice in drawing up strategies to tackle child poverty. It is welcome that the Commission will be enabled to publish its advice to help increase the profile of child poverty as an issue and to help hold Government to account on its policy.

Action for Children seeks clarification and assurances from Government about the independence and autonomy of the proposed Commission; how it will function, what resources it will have, and what the duty will be on the UK Government and devolved

administrations to respond to any of the Commission's recommendations. The Government **must** ensure that the Commission will have the scope and budget to initiate the commissioning of research and the power to call for evidence and give advice.

STRATEGIES

Clause 8 – 11: UK Strategies

Action for Children's views

We support the inclusion of a duty on the UK Government and devolved administrations to publish and lay a Child Poverty Strategy every three years. Further to this we fully support provisions for the UK Strategy to take account of wider aspects that impact on deprivation including employment and skills of parents, health, education and social services and housing.

In preparing a UK strategy, we believe that the provision of early years services should be explicit within Clause 8 (5) (c) as an area for consideration of the measures that ought to be taken. What happens in the early years of a child's life has a fundamental impact on their future development.

We see this section as the heart of the Bill as its implementation is essential to successful interventions that address the needs of families which are often complex and long standing. As these elements are absolutely essential we propose that these strategies should be labelled 'Deprivation Strategies' to send a clear signal that all elements need to be addressed.

We welcome the duty to be placed on the Office of First Minister and deputy First Minister to produce and publish a child poverty strategy in NI within a year of the passing of the Bill. While built around the *Lifetime Opportunities* framework, a specific child poverty strategy will need to be developed. This strategy should include programmes and actions focused on addressing measures and infrastructural deficits in Northern Ireland (such as the gap in flexible, affordable childcare provision) aimed at meeting legislative targets – and reflect the NI Executive's commitment to eradicating severe child poverty in Northern Ireland. The strategy should take account of recommendations of the Northern Ireland Assembly Ofmdfm Committee's Child Poverty Inquiry and the Northern Ireland Executive's response.

Clause 8 (5) places a duty of the Secretary of State in preparing a UK Strategy to consider key measures around promoting and facilitating the employment of parents, developing skills of parents, providing financial support to parents, health, education and social services, housing and the built environment and promotion of social inclusion.

However, there is no similar duty to take account of these measures on OFMDFM or relevant Northern Ireland Departments with responsibility for these areas. Consideration needs to be given as to how the Northern Ireland Executive

will ensure these areas support measures for addressing child poverty in Northern Ireland - whether such a duty is placed on OFMDM or/and relevant Northern Ireland Departments.

While **Part 2** of the Bill places a duty on local authorities in England and Wales to undertake a child poverty assessment in their area and produce a local child poverty action plan, no such provisions apply to Northern Ireland. The Northern Ireland Executive could consider including such a duty on local councils alongside the proposed planning and well-being duties along as part of RPA legislative reforms. In doing so an appropriate 'duty to cooperate' would need to apply to education, health and social care, housing and other relevant bodies under RPA reforms.

ECONOMIC AND FISCAL CIRCUMSTANCES

Clause 15: Economic and fiscal circumstances

The UK Government's consultation on the child poverty legislation proposed that meeting the 2020 target should be subject to overall affordability, so that in adverse economic circumstances the UK Government and devolved administrations could be exempt from the legal commitment to meet the target. Clause 15 requires the UK Government and devolved administrations, along with the Child Poverty Commission, to take into account the impact of measures to tackle child poverty on the economy and on taxation, spending and borrowing.

Action for Children is concerned that Clause 15 could weaken the legislation and strategy development process. While child poverty is estimated to cost the UK at least £25 billion each year, the long-term improvement in the fiscal position which tackling child poverty would bring about is not mentioned.

Action for Children has been working in partnership with **nef** (the new economics foundation) to reshape the way we invest in the future of our society through our children. We believe that preventing social problems before they emerge, rather than fixing them after they have already occurred is essential to the creation of a better and more just society. We will set out the economic case for prevention and early intervention to demonstrate the social and economic benefits of investing in a more transformative approach. The project report will provide an evidence base supporting our case which will be published September 2009.

Action for Children is a long standing member of the campaign to End Child Poverty and Northern Ireland Child Poverty Alliance.

**For further information, please contact Ross McCrea, Action for Children (NI)
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Dear committee members

Following the roundtable on the Child Poverty Bill on 22 September we would be grateful if you would consider the following amendments agreed by the Child Poverty Alliance.¹²

There was good attendance from elected representatives, representation from most of the main political parties and the children's sector. A wide-ranging and informative discussion resulted and this included an acknowledgement of the current economic downturn and circumstances. There is agreement among the Agencies involved in the Alliance that we should focus on the NI provisions, getting the right implementation structures and achievable targets rather than endanger the bill's progress with unrealistic proposals.

Suggested Amendments

Amendment 1

Rationale - to ensure the duty on the UK Secretary of State to prepare a child poverty strategy with a range of specified building blocks should apply explicitly to the NI Executive and Departments and to ensure the measures are targeted as early as possible at children and families most at risk of poverty.

Effect – Members of the Child Poverty Alliance agree that investing in early intervention and prevention and removing inequalities will save money and produce better outcomes for children and society in the long run. The case for this stacks up economically and socially and will lead to saving money down the line (JRF suggests that UK child poverty already costs the economy at least £25b a year).

Clause 11- insert after section 5, an additional section

'In preparing a Northern Ireland Strategy the government must consider what (if any) measures ought to be taken in each of the following areas and the impact these will have on the most vulnerable and marginalised children.

- (a) the promotion or facilitation of the employment of parents, including quality affordable childcare, or of the development of skills of parents
- (b) the provision of financial support for children and parents

¹² Members include Action for Children, Advice NI, Anglican church, Barnardo's, Bryson House, BBC Children in Need; Children in Northern Ireland, Children's Law Centre; Community Foundation, Council for Homeless, Disability Action, Dungannon Council, Employers for childcare, Family Fund, Gingerbread NI, Law Centre NI, Lifestart Foundation, Methodist Church, Mothers Union, NCB NI, NEA, NICCY, NICVA, Parents Advice Centre, Presbyterian church, Playboard, Quaker service, Rural Community Network, Salvation army, Save the Children, Shelter, Simon Community, St Vincent de Paul, Unison, Womens Aid, WRDA, Youthnet

- (c) health, parenting education and family support, Early Years, education and social services
- (d) housing, the built or natural environment and the promotion of social inclusion.’

Amendment 2

Rationale - to ensure the duty to report annually on the progress towards the child poverty targets applies to the NI government and specifies how many children have been lifted out of poverty.

Effect – this amendment will ensure the NI Assembly is informed, in a timely manner, about the progress made, or otherwise, toward achieving child poverty targets and provide an accurate picture of how many children are being lifted out of poverty in Northern Ireland, in line with the overall aim of the Child Poverty Bill

Under Clause 11 add section (8)

‘During the period beginning with the day on which the Northern Ireland Strategy is laid before the Assembly and ending with the target year, the government must on or before each report date lay before the Northern Ireland Assembly a report on the progress made

-
- (a) on meeting the targets in Northern Ireland in section 1 to 5, including variations in the number of children in poverty under each of the targets.
- (b) in implementing the current Northern Ireland Strategy.

The report dates are each anniversary of the day on which the most recent Northern Ireland Strategy was laid before the Northern Ireland Assembly.’

Clarification of Duty-bearer

The Child Poverty Alliance believes that it is urgent to clarify the lines of responsibility and accountability and ensure effective implementation arrangements are in place for the legislation and subsequent child poverty strategy in Northern Ireland .

Throughout the legislation the wording ‘the relevant department’ is used for Northern Ireland. According to the bill’s explanatory notes, this refers to OFMDFM and we note that the NI Executive has suggested its own amendment to ensure other departments and agencies contribute to meeting the targets.

We note that in Scotland’s case, the legislation refers to Scottish Ministers who represent the corporate body there. In light of the nature of coalition government in NI and acknowledged difficulties in agreeing lead responsibility, decision-making and accountability when it comes to cross cutting policy issues - we recommend that the OFMDFM Committee seek clarification from officials and more specification on the face of the bill on this matter.

We would suggest that if OFMDFM is specified, a duty to co-operate must also be clearly placed on all other departments and their agencies and at all levels of government.
28 September 2009