

CRWIA Stage 2

The CRWIA – key questions

(Hyperlinks will only work within SG)

1. Which UNCRC Articles are relevant to the policy/measure?

List all relevant Articles of the UNCRC and Optional Protocols.

Article 2 Non-discrimination

Children should not be discriminated against in the enjoyment of their rights. No child should be discriminated against because of the situation or status of their parent/carer(s).

Article 18(3) Parental responsibilities and state assistance

Governments must take all appropriate measures to ensure the children of working parents have the right to benefit from childcare services and facilities

Article 27(1-3) Adequate standard of living

Every child has a right to a standard of living adequate to their physical, mental and social development. Governments should take measures to assist parents and carers who cannot afford to provide this, and in particular to provide assistance and support with food, clothing and housing.

2. What impact will the policy/measure will have on children's rights?

Neutral

This Regulation makes formal the interim measures which were already in place to continue to secure access to free school meal entitlement for families who could have been affected by a loss of eligibility, as a result of being in receipt of both maximum Child Tax Credit and maximum Working Tax Credit and being over the income threshold by £94 as a result of the increase in the National Living Wage in April 2018. If no action had been taken some access to free school meals for families in these particular circumstances may have been lost had our interim measures lapsed at the end of this school year (this concern only applies to this criteria, all other criteria (see Annex A) remain in place).

3. Will there be different impacts on different groups of children and young people?

No. This only applies to children and young people who are entitled to free school meals.

4. If a negative impact is assessed for any area of rights or any group of children and young people, what options have you considered to modify the proposal, or mitigate the impact?

N/A

5. How will the policy/measure contribute to the wellbeing of children and young people in Scotland?

The continued access to free school meals in these particular circumstances will continue to secure the health and wellbeing of those children and young people who may have been affected. This is because the provision of school meals, whilst also being provided free of charge, are provided in line with clear nutritional standards which ensure that meals are healthy and nutritious and therefore contribute to the overall health and wellbeing of children and young people.

6. How will the policy/measure give better or further effect to the implementation of the UNCRC in Scotland?

This will inform Scottish Ministers' duty to report to Parliament on children's rights under the Children and Young People (Scotland) Act 2014.

This policy action will continue to ensure that children and young people are able to access free school meals where otherwise, in these particular circumstances, they may not have been able to. The provision of free school meals supports the delivery of the articles identified above.

7. What evidence have you used to inform your assessment? What does it tell you?

Our EQIA process has confirmed that lone parents are more likely to experience poverty than other people, and therefore there is likely to be increased benefit from the Free School Meals policy as a whole, and this particular element of the policy families in those circumstances. The EQIA process also confirmed that some people who identify as an ethnic minority and from certain religious groups will have an increased risk of experiencing poverty, if they are also in receipt of both maximum Child Tax Credit and maximum Working Tax Credit they will benefit from this policy.

8. Have you consulted with relevant stakeholders?

This policy has arisen as a result of an unintended consequence of a change to National Living Wage, which could negatively impact upon some families. In the interests of continuing to secure access to the passported benefit of free school meals, and to prevent loss of this benefit, interim measures and this policy position have been developed. As a result there has been limited consultation on this approach.

9. Have you involved children and young people in the development of the policy/measure?

On this occasion, children and young people have not been involved in the development of this measure. This is because the matter has arisen as an unintended consequence of a change to National Living Wage and it was felt that action was required to ensure that the effect of that unintended consequence was prevented in these circumstances to ensure continued benefits for children and young people.

Children and Young People can get free school lunches after primary 3 if their parents or carers are receiving:

- [Universal Credit](#) (where monthly earned income is not more than £610)
- [Income Support](#)
- income-based [Job Seeker's Allowance](#)
- income-based [Employment and Support Allowance](#)
- support under [Part VI of the Immigration and Asylum Act 1999](#)
- [Child Tax Credit](#), but not [Working Tax Credit](#), and income is less than £16,105
- both maximum Child Tax Credit and maximum Working Tax Credit and income is under £6,420

Getting free school meals if parents or carers do not receive benefits or tax credits

Children and young people might still get a free school meal if parents and carers are experiencing financial hardship. This could be because:

- parents' or carers' immigration status means they can't get help from the government because they have no recourse to public funds
- parent or carer is still waiting on their first Universal Credit notice