

Child Rights and Wellbeing Impact Assessment (CRWIA)

Creating a Scottish Discretionary Housing Payment scheme

Disclaimer

This **draft** document is an **initial assessment** of the impact of creating a Scottish Discretionary Housing Payment scheme and Scottish Government will continue to review and update this document where required during the strategic decision making process. Any future iterations will reflect an increased understanding of these impacts as the amount of data and research available continues to grow.

This impact assessment should be read in conjunction with the Equality Impact Assessment.

CRWIA Stage 2 – Assessment of Impact and Compatibility

1. What evidence have you used to inform your assessment? What does it tell you about the impact on children's rights? (Guidance Section 2.2)

[Poverty rates amongst priority family types - Tackling child poverty priority families overview - gov.scot \(www.gov.scot\)](#) informs us of what groups of children are most impacted by poverty, and therefore may benefit most from the creation of a Scottish Discretionary Housing Payment (DHP) scheme:

“24% of all children in Scotland are in relative poverty. Children in the priority groups are more likely than average to be in relative poverty – 38% children in lone parent families, 39% children in minority ethnic families, 28% children in families with a disabled person, 55% children in families with younger mothers, 34% children in families with a child under one, and 34% children in families with three or more children are in relative poverty. 11% of children who are in none of the priority groups are in relative poverty.

21% of all children in Scotland are in absolute poverty. Children in the priority groups are more likely than average to be in absolute poverty – 36% children in lone parent families, 34% children in minority ethnic families, 24% children in families with a disabled person, 49% children in families with younger mothers, 30% children in families with a child under one, and 32% children in families with three or more children are in absolute poverty. 8% of children who are in none of the priority groups are in absolute poverty”

[Benefit cap breaches children's rights, says Supreme Court | CPAG](#) Supreme Court judges criticised the UK Government's benefit cap for breaching international law on the rights of children. However, the Court declined to overturn the controversial policy, leaving the issue to be settled “*in the political, rather than the legal arena*”. In allowing Scottish Ministers more flexibility in managing DHPs and writing the mitigation of the benefit cap into Scottish DHP guidance, the Scottish Government is attempting to reverse the negative impact of the UK Government's benefit cap on the children of Scotland.

[Stat-Xplore - Log in \(dwp.gov.uk\)](#) In Scotland 99% of all households hit by the benefit cap are families, and 74% are lone parent families. On average, the benefit cap takes away over £2,400 per household per year. Mitigating the benefit cap will help up to 2,500 families, with over 8,900 children, meet their housing costs.

[Project Title \(gcph.co.uk\)](#) *Exploring the Cost of the Pregnancy Pathway* found that pregnancy brings a period of sudden increased financial pressure and sustained money worries have been reported following a birth of a baby, increasing the risk of child poverty. This includes additional heating costs, buying formula and food, nappies, clothes and providing for the needs of older children. Families with a new child are more likely to enter poverty and the birth of a new baby can result in those who are close to the poverty line falling below it.

[Tackling child poverty delivery plan 2018-2022: annex 3 - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/documents/2018/09/180909_tackling_child_poverty_delivery_plan_2018-2022_annex_3.pdf)

Households with children aged 0-4 are at high risk of poverty and the risk, is much higher when the youngest child is aged less than one year old.

[Every Child, Every Chance: The Tackling Child Poverty Delivery Plan 2018-22: Annex 3 – Equality Impact Assessment \(www.gov.scot\)](https://www.gov.scot/resources/documents/2018/09/180909_every_child_every_chance_the_tackling_child_poverty_delivery_plan_2018-22_annex_3_equality_impact_assessment.pdf)

- When young mothers are in work, they are more likely to earn a low income and more likely to receive social security entitlements.

98% of all households in Scotland hit by the benefit cap are families, and 72% are lone parent families. Therefore, it is important to have a fully Scottish DHP scheme to support these families as much as possible and protect them from damaging UK Government welfare changes.

2. Evidence from stakeholders/Policy Colleagues (Guidance Section 2.2)

The statutory DHP guidance document is actively being developed in partnership with COSLA. COSLA has convened a group of social-security advisers with knowledge of the DHP scheme to provide detailed advice and feedback on the operation of the scheme, and on the impacts of changing the legislative basis of the scheme.

Scottish Government colleagues from the areas of homelessness, child poverty, social security, and violence against women and girls, have been consulted on the guidance to ensure it meets Ministers' aspirations for the scheme as fully as possible.

The guidance details how local authorities should operate the scheme and therefore is largely technical. However, where 3rd sector partners with expertise have been identified, they have been consulted. In particular, the Child Poverty Action Group Scotland has had input and has provided some information from their social security early warning system.

A draft has been developed and handed to COSLA for formal consultation. The feedback is being analysed and revisions being considered before a final version is drafted.

3. Evidence from children and young people (Guidance Section 2.2)

There are no plans to involve children and young people directly in the development of this proposal. Children are one step removed from the policy as it directly impacts local authorities' administration of the scheme and parents, who are the recipients of the DHP. To be eligible for a DHP the applicant must be in receipt of housing benefit or universal credit with a housing element.

However, we know that homelessness has a detrimental impact on the wellbeing of families with children. The Scottish Government invests in DHPs in order to prevent homelessness. Shelter Scotland has commissioned [research](#) (findings due in winter 2024) to understand children's experiences of temporary accommodation. The researchers will hear directly from children. Scottish Government officials are part of the research advisory group for this work, which will strengthen our understanding of the impact of housing precarity and homelessness for children and young people – and the importance of investment in preventative measures.

Analysis of the evidence

Using evidence detailed above, please answer the following questions on how this relevant proposal will impact children.

4. How have the findings outlined in questions 1-3 influenced the development of the relevant proposal? (Guidance Section 2.2)

Scottish Ministers wish to see some UK Government welfare cuts mitigated as fully as possible and provide full funding to do that. The DHP scheme remains legally discretionary, however, tackling poverty and child poverty in particular are shared aims in the Scottish Government-Local Government Verity House Agreement. Therefore, it is expected local authorities will wish to contribute to these shared aims through the DHP scheme by distributing DHP funding to households using best practice, to relieve the greatest amount of poverty. The new DHP guidance document makes suggestions for certain priority groups local authorities may wish to assist through DHPs with a rationale for how that links to Scottish and Local Government missions.

We know that in Scotland 99% of all households hit by the benefit cap are families, and 74% are lone parent families. On average, the benefit cap takes away over £2,400 per household per year. Mitigating the benefit cap through DHPs will help up to 2,500 families, with over 8,900 children, meet their housing costs.

Colleagues from the Directorate for Tackling Child Poverty and Social Justice have helped develop sections of the guidance outlining how DHPs can help in the shared mission to tackle child poverty; one of three shared priority areas set out in the Verity House Agreement. The guidance describes the six priority family types and discusses some specific critical points where families may face increased financial pressure.

Feedback from the Directorate for Justice, Violence Against Women and Girls Unit has informed language around domestic abuse and wider forms of violence against women and girls (as set out in Scotland's Equally Safe Strategy), as well as human trafficking and commercial sexual exploitation.

The Child Poverty Action Group has supplied useful case studies from individuals applying for DHPs, which have helped clarify wording in the guidance.

5. Assessing for compatibility against the UNCRC requirements (Guidance Section 2.2)

Complete the below matrix, placing a tick against each article which is relevant to your existing legislation or decision or relevant proposal. Further on in the form you will be able to explain these answers in more detail.

UNCRC Articles

Please click on the triangle to expand and collapse the text for a full definition of each article.

What impact does/will your relevant proposal have on children's rights (Please tick positive, negative or neutral)

	Positive	Negative	Neutral
Article 1 Definition of the child	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 2 Non-discrimination	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 3 Best interests of the child	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Article 4 Implementation of the Convention	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 5 Parental guidance and a child's evolving capacities	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 6 Life, survival and development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Article 7 Birth registration, name, nationality, care	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 8 Protection and preservation of identity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 9 Separation from parents	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 10 Family reunification	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 11 Abduction and non-return of children	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 12 Respect for the views of the child	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 13 Freedom of expression	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 14 Freedom of thought, belief and religion	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 15 Freedom of association	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 16 Right to privacy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 17 Access to information from the media	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Version 4 February 2023 Stage 2 Assessment of Impact and Compatibility

Article 18 Parental responsibilities and state assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 19 Protection from violence, abuse and neglect	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 20 Children unable to live with their family	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 21 Adoption	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 22 Refugee children	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 23 Children with a disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Article 24 Health and health services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Article 25 Review of treatment in care	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 26 Social security	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Article 27 Adequate standard of living	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Article 28 Right to education	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 29 Goals of education	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 30 Children from minority or indigenous groups	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 31 Leisure, play and culture	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Article 32 Child labour	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 33 Drug abuse	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 34 Sexual exploitation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 35 Abduction, sale and trafficking	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 36 Other forms of exploitation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 37 Inhumane treatment and detention	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 38 War and armed conflicts	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 39 Recovery from trauma and reintegration	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 40 Juvenile justice	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 41 Respect for higher national standards	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 42 Knowledge of rights	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

1.1 First optional protocol

Positive | Negative | Neutral

Version 4 February 2023 Stage 2 Assessment of Impact and Compatibility

1.2	Article 4	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.3	Article 5	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Nothing in the present Protocol shall be construed as precluding provisions in the law of a State Party or in international instruments and international humanitarian law that are more conducive to the realization of the rights of the child.

1.4	Article 6	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.5	Article 7	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.6	Second Optional Protocol			
1.7	Article 1	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.8	Article 2	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.9	Article 3	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.10	Article 4	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.11	Article 6	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.12	Article 7	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.13	Article 8	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.14	Article 9	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.15	Article 10	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.16	Article 11	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6. Impact on children and young people (Guidance Section 2.2)

Discretionary Housing Payments are used by the Scottish Government to provide cash-first payments, to help with housing costs, to households either affected by UK Government welfare cuts, or those who need help taking up or maintaining a tenancy. The payments usually help households meet their rent costs, but in some cases, such as those affected by benefit cap, will help households with other housing costs as well.

Helping these households with their housing costs reduces poverty, homelessness, and pressures on other parts of household budgets, such as food or energy costs.

7. Negative Impact/Incompatibility (Guidance Section 2.2)

No negative impacts or incompatibility with the UNCRC requirements have been identified.

8. Options for modification or mitigation of negative impact or incompatibility (Guidance Section 2.2)

No negative impacts or incompatibility with the UNCRC requirements have been identified.

9. Positive impact: Giving better or further effect to children's rights in Scotland (Guidance Section 2.2)

Article 3 – we know that UK Government welfare changes such as the benefit cap, which takes away over £2,400 per household per year from families, push children into poverty. Creating a Scottish DHP scheme will allow Scottish Ministers to better support the parents of these children, keeping the child's best interest as a primary consideration.

Article 6 – providing parents with additional financial support through DHPs will help them to support their children's development and ensure survival.

Article 23 – at present UK Government rules only allow disabled children in receipt of certain benefits to be exempted from the requirement to share a bedroom with a sibling. In Scotland a DHP can be paid to allow disabled children that don't meet the criteria their own bedroom.

Article 24 – providing parents with additional financial support through DHPs will help them to feed their children and afford a better quality diet, avoiding malnutrition and disease.

Article 26 – UK Government welfare changes take away the child's right to social security, creating a Scottish DHP scheme will help restore some of that link.

Article 27 - providing parents with additional financial support through DHPs will help them to give their children better living conditions necessary for the child's development.

Article 31 - providing parents with additional financial support through DHPs may help them afford extra-curricular school activities, for their children to attend clubs in the community, and allow them to participate in other cultural, artistic and leisure activities.

10. [Impact on Wellbeing: does or will the relevant proposal contribute to the wellbeing of children and young people in Scotland? \(Guidance Section 2.2\)](#)

Please tick all of the wellbeing indicators that are relevant to your proposal.

Wellbeing Indicator	Will there be an improvement in wellbeing in relation to this indicator: yes/no
<p>Safe - Growing up in an environment where a child or young person feels secure, nurtured, listened to and enabled to develop to their full potential. This includes freedom from abuse or neglect.</p>	<p>Yes (Note: supporting people in a settled and stable home will indirectly contribute positively to all these indicators. The converse outcome of homelessness would contribute negatively to all).</p>
<p>Healthy - Having the highest attainable standards of physical and mental health, access to suitable healthcare, and support in learning to make healthy and safe choices.</p>	<p>Yes</p>
<p>Achieving - Being supported and guided in learning and in the development of skills, confidence and self-esteem, at home, in school and in the community.</p>	<p>Yes</p>
<p>Nurtured - Growing, developing and being cared for in an environment which provides the physical and emotional security, compassion and warmth necessary for healthy growth and to develop resilience and a positive identity.</p>	<p>Yes</p>
<p>Active - Having opportunities to take part in activities such as play, recreation and sport, which contribute to healthy growth and development, at home, in school and in the community.</p>	<p>Yes</p>
<p>Respected - Being involved in and having their voices heard in decisions that affect their life, with support where appropriate.</p>	<p>Yes</p>
<p>Responsible - Having opportunities and encouragement to play active and responsible roles at home, in school and in the community, and where necessary, having appropriate guidance and supervision.</p>	<p>Yes</p>
<p>Included - Having help to overcome inequalities and being accepted as part of their family, school and community.</p>	<p>Yes</p>

Post Assessment Review and sign-off

11. Communicating impact to children and young people (Guidance Section 2.2)

How will you communicate to children and young people the impact that the relevant proposal is having or will have on their rights?

There are no plans to communicate directly with children and young people on the creation of the Scottish DHP scheme as they are one step removed from the policy. The policy will be communicated to all those potentially eligible for a DHP, including parents. Local authorities have a duty to make available information on the scheme, including eligibility criteria and how to apply. Information on the policy will be cascaded to all relevant departments and agencies. Third sector partners will be updated about the changes to ensure they can give the most relevant and up to date advice through their services and to help publicise the message.

12. Planning for the review of impact on child rights (Stage 3) (Guidance Section 2.2)

We will monitor the impact of the proposal on child rights through a combination of approaches.

Each year the impacts of a number of UK Government welfare reforms on Scotland are estimated. We will use spending data to estimate the extent to which the reforms are being successfully mitigated.

We will work with third sector organisations to identify barriers to access and any systematic or widespread failure to reach any particular population.

We will review the CRWIA and complete Stage 3 in 3 years

13. Compatibility sign off statement (Guidance Section 2.2)

This relevant proposal has been assessed against the UNCRC requirements and has been found to be compatible.

Policy Lead Signature & Date of Sign Off: Andrew Weild, 19th February 2024

Deputy Director Signature & Date of Sign Off: Alice Hall, 19th February 2024

SGLD Sign Off: Yes No

Once signed off, please send to CRWIA@gov.scot and publish on gov.scot or relevant Executive Agency website.