

Agriculture and Rural Communities (Scotland) Bill

Child Rights and Wellbeing Impact Assessment

February 2024

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Summary

The Scottish Government's [Vision for Agriculture](#), published in March 2022, outlines our long term vision to transform how we support farming and food production in Scotland to become a global leader in sustainable and regenerative agriculture.

After the UK withdrawal from the EU on 31 January 2020, our priority for agriculture and rural development was to provide stability and security for producers, land managers, and business. In 2020, the [Agriculture \(Retained EU Law and Data\) \(Scotland\) Act](#) was enacted to allow the Scottish Ministers to ensure that EU CAP (Common Agricultural Policy) payments and schemes could continue to be effective for a period of stability and simplicity after EU-exit.

In August 2022, the Scottish Government ran a public consultation titled '[Delivering our Vision for Scottish Agriculture: Proposals for a new Agriculture Bill](#)'. This consultation set out proposals to deliver the Scottish Government's Vision for Agriculture. The Agriculture and Rural Communities (Scotland) Bill will aim to provide Scotland with a framework to deliver high quality food production, climate mitigation and adaptation, nature protection and restoration, and wider rural development.

The new Agriculture and Rural Communities (Scotland) Bill aims to provide the legal framework to deliver:

- the Scottish Government's Vision for Agriculture;
- the National Performance Framework outcomes;
- Programme for Government and Bute House draft shared policy programme priorities;
- emissions and nature restoration targets;
- building on minimum regulatory standards;
- Just Transition which supports agriculture, land integration and land use change in a way that follows the Just Transition principles;
- value for money; and
- broad alignment to EU CAP objectives.

The primary purpose of this Bill is to (i) provide the Scottish Ministers with the necessary powers to manage and in due course replace the current assimilated law Common Agricultural Policy framework for agriculture and land use support; and (ii)

provide Scottish Ministers with the powers to deliver the Scottish Government's Vision for Agriculture. It also provides the Scottish Ministers with powers to make provision for continuing professional development (CPD) for farmers, crofters, land managers and other persons, and to continue support for wider rural development.

Name the policy, and describe its overall aims

Payments Framework

Currently Scottish government utilises rolled-over powers under Retained EU Law "REUL" to make support payments of the extended Common Agricultural Policy "CAP" schemes.

The main objective of the Bill is to take powers which will allow for the delivery of a payment framework broadly aligned to the EU.

There are not considered to be specific impacts on children as a result of this policy.

Food and Drink

The enabling powers in the Bill will provide for financial support to food and drink businesses for a range of specified purposes including in response to exceptional or unforeseen circumstances in the sector. Financial support will be available to all businesses. This will have a positive impact on businesses and also the wider community – including children and young people - through the potential for economic stability and growth, and jobs.

Climate and Nature

Through the support framework, the Bill enables the Scottish Government to deliver towards the outcomes of climate mitigation, adaptation and nature restoration and ensure farming in Scotland can continue to produce our food more sustainably and that the land is managed more sustainably. This will support delivery of outcomes and strategies, including the Climate Change Plan, Scottish National Adaptation Plan and Biodiversity Strategy.

Payments Administration & Data

The broadly framed enabling powers set out in the Bill allow for the Scottish Ministers to make regulations about (1) the provision of support to assist the creation of the new payment framework for the administration of payments and (2) the provision for the collection, processing and or sharing of data where that is necessary to ensure effective governance. These regulations and powers will enable the Scottish Ministers to enforce, monitor and evaluate progress to achieving the objectives of the bill and the Vision. These enabling powers in the Bill and proposals will not have specific impacts on children.

Support for Rural Communities and Rural Networking

Aims to set out broadly framed enabling powers allowing for continuation of support

for rural communities and rural networking, and to allow flexibility for Ministers to be able to adapt that support to meet future requirements. This means that although our support to rural communities has potential to significantly impact on children and young people, the powers set out in this bill will not in themselves alter this support (rather, any such alteration will be policy change and subject to Ministerial future decision-making).

Animal Health, Welfare and Genetic Resources

The Bill provides powers for Scottish Ministers to provide financial support for the purposes set out in the Schedule including livestock breeding and keeping, and assisting the promotion, protection and improvement of animal health, welfare and genetic resources. The Bill also makes provisions for the identification of animals, which is a requirement for the prevention and control of diseases. The implementation of these powers is anticipated to contribute to the aims of high quality food production; climate mitigation and adaptation; nature restoration; and wider rural development.

Plant Genetic Resources

The power in the bill allows Ministers the power to provide support for plant genetic resources. Plant Genetic Resources is a broad term, but can be described as a resource for breeders or researchers of new plant varieties to draw on when they need a genetic trait which doesn't exist in the capacity they require. Sometimes as species are used to develop varieties, each variety gets further from the original and they may lose important characteristics. Resources are kept to preserve the existence of the original sources, so we don't lose those important traits. Traits may include aspects such as pest resistance; drought tolerance or yield quality. A genetic resource may include but is not exclusive to a seed bank or a plant collection. Plant genetic resources a public good and should benefit all by allowing greater potential for conventional breeding of viable plants for the future.

Access

The powers in the bill enable Ministers to provide support to assist with the provision of public access over land. Where support is given it will be based on the needs of that particular area with a view to ensuring improved public access and the ability of the public to exercise the right of responsible access as set out in the Land Reform (Scotland) Act 2003.

Forestry

The power to provide support will allow the continued delivery of forestry grants.

Forestry grants play a significant role in contributing to a wide range of SG policies, including policies relating to: reducing net emissions as a contribution to climate change mitigation; tackling the biodiversity (habitats and species) crisis; deer management; peatland restoration; Atlantic rainforests; rural development; community development; public access; and, ensuring future timber supplies. Forestry grants also support the sustainable management and restoration of Scotland's forests, in line with Scottish Ministers' duties under the Forestry and

Land Management (Scotland) Act 2018 (“the 2018 Act”).

Forestry grants primarily affect many rural businesses with an interest in forestry. This may include farmers, crofters, estate owners, and other land managers with any interest ranging from forest nurseries, forest management, and the timber processing sector. These grants also have impacts on the broader environmental sector as they contribute to multiple outcomes, including the protection and improvement of legally protected habitats and species.

These powers will provide a continuation to the existing payment framework and therefore there is no likely impact on children or young people as a result of these powers.

Knowledge, innovation, education and training

The Bill includes new powers in respect of courses of training and personal development relating to agricultural, forestry, land management or related sectors and other forms of learning and sharing information as well as the provision and obtaining of advice. It also includes new powers relating to innovation and other research and development activities which may improve or support rural communities, rural land or land use. There is also power to support these activities through the development and maintaining of resources, digital tools or databases.

The Bill also provides the Scottish Ministers with powers to make provision for continuing professional development (CPD) for farmers, crofters, land managers and other persons.

Existing evidence

Agriculture sector (i.e farmers, crofters, and land managers) is the primary affected sector within the Agriculture Bill powers.

The powers in the Agriculture Bill will support Scottish Government’s Vision for Agriculture and the ARP. The power to deliver in the Bill will be taken forward under the ARP which will consider the detail of implementation to ensure farming and food production in Scotland becomes a global leader in sustainable and regenerative agriculture.

The Bill sets out a wide-ranging list of powers for the agricultural sector to reduce emissions. The powers vary to help deliver this. As none of the policies are designed to have a specific impact in relation to Part 1 of the [Children and Young People \(Scotland\) Act 2014](#) and the UNCRC requirements.

We do however acknowledge possible indirect impacts in respect of our reform proposals for children and young people. For example:

- reducing greenhouse gas emissions from agricultural will mitigate the impact of climate change including current for current and future generations of children and young people,
- this could make it more sustainable into the future and thereby continue to

offer opportunities for young people to gain employment in the agricultural sector or become our next generation of farmers,

- there are number of powers in the Bill which will enable support to be provided to farmers, crofters and land managers in the form of information, advice, guidance, skills development and capacity building,
- the benefit if sector successfully delivers against the policies and how several policies seem to address issues highlighted during the Children's Parliament and Scotland Youth Climate declaration work.

Due to the way statistical information is collected, we are not able to identify if there are farmers (or those workers in the sector who are under 18). Even if there are farmers and workers under 18 (the numbers would be small compared to the overall sector figures) and the policies are designed to specifically address any issues in relation to any under 18 as apply sector wide, regardless of age.

Assessing the powers intended purposes, we are satisfied they **are not aimed** at or are designed to have an impact or address an issue in relation to Part 1 of the Children and Young People (Scotland) Act 2014 and the UNCRC requirements.

So are satisfied in our scoping assessment finding that **NO** CRWIA is required.

What aspects of the policy/measure will affect children and young people up to the age of 18?

The 'Delivering our Vision for Scottish Agriculture: Proposals for a new Agriculture Bill' included a question to assist in determining the extent and level of EQIA required such as:

"Are you aware of any examples of particular current or future impacts, positive or negative, on young people, of any aspect of the proposals in this consultation? Could any improvements be made?"

The results of this engagement is that it has not highlighted any potential negative impacts that the Bill itself and the initiatives and policies covered within may have on certain groups. This has allowed any negative impacts to be considered thoroughly and ensured steps were taken to mitigate these. However, as the Bill is largely enabling it will have limited impact on children. As such, minimal assessment is required at this stage, but the Scottish Government will ensure the teams working on future policy changes are aware of the need to consult/further assess where appropriate. This will include children and young people up to the age of 18.

There are 7 records identified from RP&S of individuals under the age of 18 years that are head of business and/or livestock keepers.

Payments Framework

There are not considered to be specific impacts on children as a result of this policy. These enabling powers in the Bill and proposals will not have specific impacts on children as these powers relate to operational delivery rather than policy and any change will be delayed until the secondary legislation is introduced and implemented later on.

Food and Drink

The policy will not directly affect children and young people but there will be positive impacts for communities if support for businesses provides the potential for economic stability and growth, and jobs.

Climate and Nature

The policy will not directly affect children and young people, although there are long term positive impacts for future generations and communities though tackling the twin crises of climate and nature.

Payments Administration & Data

The broadly framed enabling powers set out in the Bill allow for the Scottish Ministers to make regulations about (1) the provision of support to assist the creation of the new payment framework for the administration of payments and (2) the provision for the collection, processing and or sharing of data where that is necessary to ensure effective governance. These regulations and powers will enable the Scottish Ministers to enforce, monitor and evaluate progress to achieving the objectives of the bill and the Vision. These enabling powers in the Bill and proposals will not have specific impacts on children as these powers relate to operational delivery rather than policy and any change will be delayed until the secondary legislation is introduced and implemented later on.

Support for Rural Communities and Rural Networking

No impacts identified regarding the broadly framed enabling powers set out in the Bill. However, if any changes to policy that implements these powers are identified in the future, then a CRWIA may need to be completed on them to assess specific impact. Any such changes are presently unknown and we would therefore be unable to assess at this stage.

Animal Health, Welfare and Genetic Resources

The policies will not directly affect children and young people. However there will be positive medium and long term impacts of policies through contributions to delivery of the Vision for Agriculture and the Climate Change Plan.

Plant Genetic Resources

The bill gives the power for Ministers to give support to holders of plant genetic resources. This is felt important as plant breeding adapts to increasing challenges from climate change. These resources allow us to retain important traits which could mean fewer inputs such as fertilisers and pesticides or to breed plants which can thrive in a changing environment. This can only have a positive impact on children as it provides a resource to help preserve resources, whilst continuing to provide nutritious food.

Access

The policy will not have any specific impact on children and young people, but will have overall positive impacts by virtue of enabling assistance to improve public access.

Forestry

The intention in the short term will be to retain, so far as possible, the status-quo and therefore there is no likelihood of any impact overall and therefore, by extension, children and young people.

Potential impacts will be monitored when developing secondary legislation and a Childs Rights and Wellbeing Impact Assessment carried out if significant impacts are identified.

Knowledge, innovation, education and training

No direct impacts identified as the policy will be delivered through secondary legislation. While much of the proposals in secondary legislation will affect farmers, crofters and others over the age of 18 years, provision could be made for those under the age of 18, through for example, a range of activities provided by the Agricultural Knowledge and Innovation System (AKIS), Continuing Professional Development (CPD), and for example the setting of specific policies including apprenticeships in agriculture. All of these initiatives This would be a positive development in providing them with skills and knowledge.

What likely impact – direct or indirect – will the policy/measure have on children and young people?

We anticipate that Agriculture and Rural Communities (Scotland) Bill, with links to the National Performance Framework, will bring positive impacts to children and young people.

To deliver the Vision; “identify and develop the skills needed for regenerative and sustainable farming, changes of land use and adaptation to the changing climate”; “encourage co-operative approaches to optimise collaboration and knowledge exchange”; enable “more new and young entrants into farming” and “create a diverse, flourishing industry”.

If the agriculture sector successfully delivers against the policies in climate and biodiversity plans and strategies outlined above using any support produced under Schedule 1, this could restore nature, reduce emissions from agricultural and mitigate the impact of climate change for current and future generations of children and young people. It would build a sustainable food production sector for future generations, whilst reducing greenhouse gas emissions, increasing carbon sequestration, and helping to improve biodiversity, air, soil, and water quality, making it more sustainable and thereby offer opportunities for young people to gain employment in the agricultural sector and become our next generation of farmers.

The Bill will allow for continuation of support for rural communities and rural networking, which can have positive impacts for people living in rural areas, including children and young people. Given the enabling nature of the Bill, there will be no direct impact from the inclusion of provisions relating to supporting rural communities or rural networking within the Bill.

Payments Framework

There are not considered to be specific impacts on children as a result of this policy. These enabling powers in the Bill and proposals will not have specific impacts on children as these powers relate to operational delivery rather than policy and any change will be delayed until the secondary legislation is introduced and implemented later on.

Food and Drink

The policy will not directly affect children and young people but there will be positive impacts for communities if support for businesses provides the potential for economic stability and growth, and jobs.

Climate and Nature

As outlined above there are long term positive impacts for future generations and communities though tackling the twin crises of climate and nature.

Payments Administration & Data

The broadly framed enabling powers set out in the Bill allow for the Scottish Ministers to make regulations about (1) the provision of support to assist the creation of the new payment framework for the administration of payments and (2) the provision for the collection, processing and or sharing of data where that is necessary to ensure effective governance. These regulations and powers will enable the Scottish Ministers to enforce, monitor and evaluate progress to achieving the objectives of the bill and the Vision. These enabling powers in the Bill and proposals will not have specific impacts on children.

Support for Rural Communities and Rural Networking

No impacts identified regarding the broadly framed enabling powers set out in the Bill.

Animal Health, Welfare and Genetic Resources

As set out above there will be indirect medium to long term positive impacts from the use of powers in the Bill and implementation of policies arising from these. Assisting the promotion, protection and improvement of animal health, welfare and genetic resources will contribute to points raised during the Children's Parliament and Scotland Youth Climate declaration. These policies may also contribute to narrowing the gap in children's perceptions of welfare of farmed animals between urban and rural communities, and to agriculture as a positive career destination through inclusion in educational resources.

Plant Genetic Resources

The bill gives the power for Ministers to give support to holders of plant genetic resources. This is felt important as plant breeding adapts to increasing challenges from climate change. These resources allow us to retain important traits which could mean fewer inputs such as fertilisers and pesticides or to breed plants which can thrive in a changing environment. This can only have a positive impact on children as it provides a resource to help preserve resources, whilst continuing to provide nutritious food.

Access

No specific impacts on children or young people, other than overall positive impact of allowing support for the improvement of public access.

Forestry

The Bill is a framework Bill. It provides for a suite of powers which will enable Scottish Ministers to give assistance for specified purposes. One of these purposes is forestry. The inclusion of forestry within the Bill is not likely to have any future negative consequences against the [relevant 45 UNCRC articles](#). The inclusion of forestry is likely to have future beneficial impacts on children and young people, particularly in relation to articles 24 (health & health services) and article 27 (adequate standard of living) as the Bill will enable the continuation of financial support for projects that increase and enhance the accessibility of woodlands and encourage better management, particularly within areas in and around towns. These projects increase opportunities for outdoor exercise and play, as well as encourage cleaner, well managed outdoor environments and cleaner air, all of which is positive for children and young people.

Forestry grants are accessible to land managers, such as farmers and crofters. This means that forestry grants could inadvertently have an impact on the children of land managers by influencing how the land is managed, particularly for long-term projects like afforestation which require multi-generational management. However, in the short term there are no changes proposed to the existing grant scheme so the effects on children and young people are neither positive nor negative. Any changes to current the grant scheme are proposed through the development of secondary legislation, further assessment of the impacts on children and young people will be carried out at that time.

Knowledge, innovation, education and training

No direct impacts identified as the policy will be delivered through secondary legislation. While much of the proposals in secondary legislation will affect farmers, crofters and others over the age of 18 years, provision could be made for those under the age of 18, through for example, a range of activities provided by the Agricultural Knowledge and Innovation System (AKIS), Continuing Professional Development (CPD), and for example the setting of specific policies including apprenticeships in agriculture. All of these initiatives This would be a positive development in providing them with skills and knowledge to help them develop a career in agriculture, crofting and land management.

Which groups of children and young people will be affected?

As mentioned above, the Bill is largely enabling it will have limited impact on children. As such, minimal assessment is required at this stage, but the Scottish Government will ensure the teams working on future policy changes are aware of the need to consult/further assess where appropriate. This will include children and young people up to the age of 18.

Payments Framework

There are not considered to be specific impacts on children as a result of this policy.

Food and Drink

Any community benefits of support for businesses will affect children and young people in the same way as the wider community. No groups have been identified as particularly likely to be impacted.

Climate and Nature

As outlined above the Bill enables the Scottish Government to deliver towards the outcomes of climate mitigation, adaptation and nature restoration. This will not directly impact on groups of children and young people as the Bill provides enabling rather than direct powers relating to climate and nature. However, the Bill will allow long term positive impacts for future generations.

Payments Administration & Data

The broadly framed enabling powers set out in the Bill allow for the Scottish Ministers to make regulations about (1) the provision of support to assist the creation of the new payment framework for the administration of payments and (2) the provision for the collection, processing and or sharing of data where that is necessary to ensure effective governance. These regulations and powers will enable the Scottish Ministers to enforce, monitor and evaluate progress to achieving the objectives of the bill and the Vision. These enabling powers in the Bill and proposals will not have specific impacts on children.

Support for Rural Communities and Rural Networking

No impacts identified regarding the broadly framed enabling powers set out in the Bill.

Animal Health, Welfare and Genetic Resources

No specific groups of children and young people have been identified as being directly affected by the broad powers contained in the Bill. Children and young people in all communities in Scotland may positively benefit in the medium to long term.

Plant Genetic Resources

There are no groups of children that will be adversely impacted by this proposal, but it is an important resource to preserve for children and future generations quality of food.

Access

As noted above no specific impacts.

Forestry

The intention in the short term will be to retain, so far as possible, the status-quo and therefore there is no likelihood of any impact overall and therefore, by extension, children and young people.

Potential impacts will be monitored when developing secondary legislation and a Childs Rights and Wellbeing Impact Assessment carried out if significant impacts are identified.

Knowledge, innovation, education and training

No direct impacts as the policy will be delivered through secondary legislation. No particular groups have been identified as particularly likely to be impacted.

Will this require a CRWIA?

No. While some indirect impacts of the Agriculture and Rural Communities (Scotland) have been identified and considered, our view is that these should be further explored at a point when specific policies and / or legal are developed to ensure a comprehensive assessment of their impact on children's rights and wellbeing.

Assessing the intended purpose under Schedule 1 in relation agriculture climate change and emissions, and who will be primarily impacted, we are satisfied the use of the powers in schedule 1 **are not aimed** at or are designed to have an impact or address an issue in relation to Part 1 of the Children and Young People (Scotland) Act 2014 and the UNCRC requirements.

Payments Framework

There are not considered to be specific impacts on children as a result of this policy and no requirement for a CRWIA in relation to this policy.

Food and Drink

A CRWIA is not required for the purposes of the provisions relevant to the food and drink sector since there will be no specific impact on children and young people.

Climate and Nature

The provisions in the Bill do not have a direct impact on children and young people at this time as the Bill provides enabling rather than direct powers relating to climate and nature.

Payments Administration & Data

The broadly framed enabling powers set out in the Bill allow for the Scottish Ministers to make regulations about (1) the provision of support to assist the creation of the new payment framework for the administration of payments and (2) the provision for the collection, processing and or sharing of data where that is necessary to ensure effective governance. These regulations and powers will enable the Scottish Ministers to enforce , monitor and evaluate progress to achieving the objectives of the bill and the Vision. These enabling powers in the Bill and proposals will not have specific impacts on children.

Support for Rural Communities and Rural Networking

No impacts identified regarding the broadly framed enabling powers set out in the Bill. However, as noted above, impact will be assessed regarding any future changes to policy aimed at implementing the powers set out in the Bill.

Animal Health, Welfare and Genetic Resources

No impacts have been identified by the Bill provisions in this policy area that warrant a CRWIA at this time.

Plant Genetic Resources

A CRWIA is not required for the purposes of the provisions relevant to the food and drink sector since there will be no specific impact on children and young people as this can only be a benefit for our future generations .

Access

No impacts have been identified which would require a CRWIA.

Forestry

No, a CRWI Assessment is not required. The intention in the short term will be to

retain, so far as possible, the status-quo and therefore there is no likelihood of any impact overall and therefore, by extension, children and young people.

Potential impacts will be monitored when developing secondary legislation and a Childs Rights and Wellbeing Impact Assessment carried out if significant impacts are identified.

Knowledge, innovation, education and training

A CRWIA is not required for the purposes of the provisions relevant to knowledge and skills.

CRWIA Declaration

CRWIA is not required.

Authorisation: Mairi Gougeon, Cabinet Secretary for Rural Affairs, Land Reform and Islands

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