



Department  
for Work &  
Pensions

## **Government Response**

**to the**

# **Independent Review of the Child Maintenance Service response to Domestic Abuse**

January 2023

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## **Ministerial Foreword**

I am very grateful to Dr Samantha Callan for delivering a comprehensive assessment of current Child Maintenance Service (CMS) operational policy and procedure relating to domestic abuse.

The Government invited Dr Callan to assess the current framework of support that the CMS provides to customers who have experienced domestic abuse and to provide any practical recommendations for service improvement and the following of best practice.

The CMS is a public service agency with a unique and difficult remit that can often involve intervening in the highly charged and emotive circumstances of relationship breakdown for the benefit of children.

The CMS – as is the case with the DWP as a whole – does not have a statutory duty of care and thus is not able to provide safeguarding. However, the CMS does have a responsibility to minimise risks that domestic abuse survivors may face in using its services, as well as work with other agencies to assist those who have experienced abuse find the support they need.

Since the tragic death of Emma Day, the CMS has reviewed its procedures to help those who have experienced domestic abuse set up a child maintenance arrangement safely and, where it can within its existing remit, contribute to reducing the incidence of, and harm that arises from, domestic abuse.

The measures implemented have included: mandatory training for CMS staff in how to respond to domestic abuse; new call scripts that directly ask about abuse; channels for signposting customers to specific advice and expertise; and new toolkits that guide caseworkers in supporting survivors as well as other customers in vulnerable circumstances. The CMS also waive the application fee when domestic abuse is reported.

A primary intention of the Domestic Abuse Act 2021 (2021 Act) is to transform the approach towards domestic abuse within the justice system and wider statutory agencies. New legislation acts as an important initiator for state agencies to strengthen current support for victims of abuse and the 2021 Act provides a statutory definition of ‘domestic abuse’. The 2021 Act emphasises that domestic abuse is not just defined by physical violence but can also include emotional, controlling, coercive, economic, and financial abuse<sup>1</sup>.

Sadly, these forms of abuse are often prevalent within the context of parental separation and child maintenance arrangements. I am very pleased that the Review finds the CMS to be an agency that has worked hard to develop and improve its domestic abuse practices. However, as the Review also points out, there are further steps the CMS can take, and Dr Callan’s recommendations provide an important base upon which to do that.

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<sup>1</sup> Prior to the 2021 Act, there was a non-statutory cross-government definition of domestic violence and abuse that included all these behaviours except for ‘economic’ abuse.

I am proud that the CMS will be playing its part – in addition to the police, courts, local authorities, service providers, and employers – in providing whatever support it can to those impacted by the truly abhorrent conduct of domestic abuse.

**Viscount Younger of Leckie**  
**Minister for Work and Pensions (Lords)**

## **Introduction**

1. In autumn 2021, the Government commissioned an independent review of CMS responses to domestic abuse. The appointed reviewer, Dr Samantha Callan, was invited to assess the current framework of CMS operational policies and procedures that are intended to provide support and assistance to customers experiencing domestic abuse.
2. The Government was keen for the Review to incorporate consultation with survivors of abuse, as well as with stakeholders and specialist services, and to provide recommendations that may help CMS with regards to best practice in supporting its customers to set up a maintenance arrangement safely.
3. The Review completed in April 2022 and the final report was submitted to the Secretary of State for Work & Pensions in summer 2022. The Review made ten recommendations, which are listed at Annex A.
4. The Government welcomes the Review and its recognition that the CMS is an agency that is motivated to reform and modify its services, to learn lessons, and take whatever practical steps it can to help separated parents who have experienced abuse to set up safe maintenance arrangements.
5. The Government accepts eight of the ten recommendations made by Dr Callan and our response is set out in detail below.

## **Child Maintenance Service & Domestic Abuse**

6. The current Government was elected in December 2019 with a manifesto commitment to pass the Domestic Abuse Bill. The Bill received Royal Assent on April 29<sup>th</sup>, 2021.
7. The 2021 Act<sup>2</sup> provides a statutory definition of domestic abuse. The definition incorporates both the relationship between the abuser and the abused as well as defines what constitutes abusive behaviour<sup>3</sup>.
8. New laws, and the expansion of existing laws, will be enacted to cover more forms of abuse and provide an enhanced legal basis for criminal action against those who perpetrate this crime. The 2021 Act commencement schedule<sup>4</sup> sets out dates on which the provisions of the Act will be ratified.
9. The Government also published a *Tackling Domestic Abuse Plan* during 2022,<sup>5</sup> which recognises the gendered nature of domestic abuse, and that women and girls are disproportionately impacted. For example, the *Crime Survey for England and Wales* showed that in the 12-month period to the year ending March 2020 an estimated 2.3 million adults aged 16 to 74 years experienced domestic abuse (1.6 million women and 757,000 men)<sup>6</sup>.
10. The *Tackling Domestic Abuse Plan* complements the Government's strategy for tackling violence against women and girls<sup>7</sup> (July 2021) and sets out how various aspects of the 2021 Act will be delivered.
11. Many CMS customers are negatively impacted by domestic abuse with 60% of new applications to the CMS now claiming the domestic abuse waiver of the £20 application fee<sup>8</sup>.
12. The framework of support that the CMS has in place to support domestic abuse survivors can be summarised as follows:
  - A definition of domestic abuse is used that is not limited to incidents involving a former partner and includes abuse that may have been experienced by the parent and / or their child(ren). It includes any instance of domestic abuse which has been reported to an appropriate body or person, although no evidence is required.
  - All customers are asked if they have experienced or witnessed domestic abuse. If customers feel that their specific claim will put them in danger, they will be signposted to support – such as the National Domestic Violence Helpline for example - and asked to contact the police about their case.

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<sup>2</sup> [Domestic Abuse Act 2021: overarching factsheet - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97222/domestic-abuse-act-2021-overarching-factsheet.pdf)

<sup>3</sup> [Domestic Abuse Act 2021 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2021/1/section/1)

<sup>4</sup> [Domestic Abuse Act 2021 commencement schedule - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97222/domestic-abuse-act-2021-commencement-schedule.pdf)

<sup>5</sup> [Tackling Domestic Abuse Plan - Command paper 639 \(accessible\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97222/tackling-domestic-abuse-plan-command-paper-639-accessible.pdf)

<sup>6</sup> [Domestic abuse in England and Wales overview - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/mentalhealth/bulletins/domesticabuseinenglandandwales/2020).

<sup>7</sup> [Tackling violence against women and girls strategy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97222/tackling-violence-against-women-and-girls-strategy.pdf)

<sup>8</sup> Child Maintenance Service statistics: data to March 2022. (See: National Tables, Table 2), July 2022. [national-tables-child-maintenance-service-to-march-2022-revised-ods \(live.com\)](https://www.gov.uk/national-tables-child-maintenance-service-to-march-2022-revised-ods).

- If a customer is in immediate danger, CMS will offer advice on contacting the police and, if customers do not feel able to do this, then to ask whether customers are content for the CMS to call the police on their behalf.
- Waiving the £20 CMS application fee and mandatory staff training on how to respond to domestic abuse issues.
- Further measures include non-traceable payment methods, which keep parent's locations hidden and ensures there is no unwanted contact with an ex-partner.
- The direct pay<sup>9</sup> service is also designed to be a safe service for victims of domestic abuse and allows customers to avoid collection charges. Support available within the direct pay service stream includes facilitating the exchange of bank details, ensuring personal information is not shared, and providing information about setting up bank accounts which do not allow parents to be traced.
- The *Get Help Arranging Child Maintenance* website contains advice and information on staying safe and signposting information to specialist support organisations.
- The introduction of a Complex Needs Toolkit and Domestic Abuse Plan for caseworkers, which provide clear steps to follow to support customers who are experiencing abuse. The Toolkit and Plan are regularly reviewed and strengthened.

13. As the Review acknowledges the CMS has worked hard to develop its domestic abuse processes and continually reviews its systems and procedures, which will continue to evolve as domestic abuse legislation becomes further embedded in service delivery and organisational practice.

14. As the Review also recognises, the CMS does not have a statutory duty of care and cannot provide safeguarding. Instead, the CMS does have a responsibility to reduce risks that those who use its services may face and to help domestic abuse survivors find appropriate support.

15. The CMS is open to working with relevant external and independent experts and stakeholders to seek lessons and guidance on best practice.

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<sup>9</sup> Direct pay is where child maintenance is paid directly to the other parent after a maintenance calculation has been made by the CMS. The CMS simply provides the calculation. Direct pay can be chosen by either parent with the other's agreement. Neither parent pays collections fees under direct pay.

## Government Response to Recommendations

### Legislation (Recommendations 1 & 2)

16. Dr Callan makes two recommendations that involve legislative amendments.
17. **Recommendation 1 proposes that primary legislation should be amended to provide more legislative protection around the direct pay service stream** and thus enable direct pay cases to be moved into the collect and pay service<sup>10</sup> where there is evidence of abuse.
18. **Recommendation 2 – proposes the need for the CMS to acquire additional legal powers to address financial coercion.** In particular, the Review advises that CMS should assess how best to use the new powers that are enabled through domestic abuse legislation to support the prosecution of financial coercion within the context of a child maintenance arrangement.
19. The Government accepts both recommendations though we will need to undertake further work to assess how they may best be implemented.
20. Regarding **Recommendation 1**, the Government is supporting a Private Members Bill (PMB) – sponsored by Sally Ann-Hart MP - that will amend primary legislation to refuse access to direct pay where one parent objects to it on the grounds of domestic abuse and where evidence can be provided. The details of what constitutes appropriate evidence of domestic abuse will be set out in secondary legislation once the Bill has passed through Parliament.
21. The Bill received its Second Reading on 28 October 2022 and reached Committee Stage on 14 December 2022. We will need to undertake further scoping work – as well as seek cross-government clearance - to determine the practicalities of how the new legislation will work including defining the evidence sources that CMS could accept as evidence of abuse.
22. The Review advises that CMS should accept the same standards of evidence as would be accepted for legal aid in family disputes. The Government will need to undertake further work to determine exactly how the principles of this approach are best translated into operational practice in the CMS context. It is also the case that this change opens a gateway to significant numbers of customers entering the collect and pay service and further modelling and analysis will be needed to assess the operational implications. The Government's intention is to set out the details of what constitutes appropriate evidence of domestic abuse in secondary legislation made under the authority of the PMB once it comes into effect.

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<sup>10</sup> Under collect & pay, the CMS collects payments of maintenance from the paying parent and passes them on to the receiving parent who has day to day care of the child/children. The service carries a collection fee charge: 4% of the maintenance collected is paid by the receiving parent; and 20% of the amount collected is paid by the paying parent. The CMS can only provide the collect and pay service if the receiving parent (or child applicant in Scotland) requests the service and the paying parent agrees, or if the CMS is satisfied that the paying parent is otherwise unlikely to pay.



23. The practicality of these proposals will also require cross-government work – particularly with the Ministry of Justice – to establish suitable arrangements for sharing evidence of abuse where appropriate.
24. The Review’s **Recommendation 2** advises that **CMS examine ways of using new powers under the 2021 Act that extends the controlling or coercive behaviour offence to post-separation**. The recommendation also proposes an assessment of whether any additional legislation is necessary to support the prosecution of cases of financial coercion and control that may have been committed in the context of a child maintenance arrangement.
25. The extension of the controlling or coercive behaviour offence to post-separation clearly has implications for the policy and operational framework within which statutory child maintenance arrangements sit. The Government accepts the recommendation as it helps bring greater alignment between CMS domestic abuse processes and the 2021 Act. In addition, the recommendation enables a closer assessment of ways in which domestic abuse legislation could help respond to mutual financial abuse occurring between separated parents (such as paying parents withholding maintenance or receiving parents making false allegations and / or denying access to children in attempts to receive more maintenance income for example).
26. The Government accepts the recommendation with the stipulation that the CMS will not have a role in prosecuting those who commit this form of abuse. The Crown Prosecution Service (CPS) prosecutes all criminal offences. The purpose of the CMS is to administer a system that supports and, where necessary enforces, parental obligations to support their children through maintenance arrangements. Thus, we do not propose to extend the role of the CMS into the realm of criminal investigation or prosecution as we do not believe that the CMS is best placed to ensure the application of new laws where the breach of the law carries a criminal sanction.
27. In accepting this recommendation, the Government believes that the most practical role for the CMS, when it comes to the detection of crime in this area, will be to refer cases to the CPS and provide all feasible assistance to the police in the prosecution of those who commit the controlling or coercive behaviour offence post-separation.
28. As of January 2023, the Home Office is in the process of updating statutory guidance to support agencies in confronting the offence of controlling or coercive behaviour.<sup>11</sup> The CMS will pay due regard to the revised guidance, which will include an increase in references to ways in which child maintenance can be used to propagate the offence of controlling or coercive behaviour – i.e., such as making false allegations about an ex-partner and / or refusing to make agreed child maintenance payments.

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<sup>11</sup> [Controlling or coercive behaviour statutory guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/controlling-or-coercive-behaviour-statutory-guidance)

## **Operational processes (Recommendations 3 & 4)**

29. The Review proposes two recommendations that have direct operational impacts.
30. **Recommendation 3 advises the removal of the requirement to report domestic abuse to qualify for the waiving of the £20 fee for applying to the statutory child maintenance scheme.** The Review finds that the CMS does not always have the administrative capacity to enforce the reporting requirement, and research shows that many survivors do not report domestic abuse<sup>12</sup>, often due to fears for their safety. The Government accepts the recommendation for these reasons.
31. Aligned to Recommendation 3, the Review also proposes a minor structural change to caseworker call scripts whereby the legal warning<sup>13</sup> given to those applying to the statutory scheme is stated before customers are asked about domestic abuse in the application process.
32. As the Review corroborates, this cosmetic change could be advantageous in substantially reducing the risk of false allegations that may be made simply to avoid paying the £20 application fee. However, as the Review also indicates, any amendment to the order in which the legal statement is raised needs to be assessed sensitively and safely so that disclosures of domestic abuse are not inadvertently discouraged. Therefore, we propose to give this suggestion some further consideration by taking soundings from officials in CMS Operations and, if necessary, with domestic abuse experts to help mitigate any potential negative impacts of amending case worker call scripts in this way.
33. **Recommendation 4 advises that piloting single named caseworkers for complex domestic abuse cases** will be a valuable operational innovation that will help ensure survivors are not having to continually retell their experiences of domestic abuse to different call handlers.
34. The Government recognises that it can be very traumatising for survivors to have to keep repeating distressing experiences to frontline services. Therefore, we welcome the recommendation as a proposal that also has the potential to bring greater alignment between CMS processes and Domestic Abuse Statutory Guidance<sup>14</sup> that includes advice on how agency responses to domestic abuse survivors can be ‘trauma-informed’<sup>15</sup>.
35. CMS will assess how this service can be best designed and integrated within its operational processes. Actioning the recommendation is likely to be operationally challenging and further developmental work will be needed to assess how

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<sup>12</sup> According to the Crime Survey for England & Wales in the year ending March 2018, only 17.3% of those who had experienced partner abuse in the previous 12 months had reported the abuse to the police. See: [Domestic abuse: findings from the Crime Survey for England and Wales - Office for National Statistics \(ons.gov.uk\)](#), November 2018.

<sup>13</sup> *As we are asking for information under Child Support law, I have an obligation to advise you it is a criminal offence to fail to provide information when requested to do so, or to knowingly provide false information.*

<sup>14</sup> [Domestic Abuse Statutory Guidance \(publishing.service.gov.uk\)](#)

<sup>15</sup> ‘Trauma informed’ practices can be broadly summarised as a form of service delivery that supports people in building trust with a provider and helping users to overcome barriers to engaging effectively with an organisation or agency. See: [Trauma Informed Practice | PLYMOUTH.GOV.UK](#)

'complex' cases can be best defined as well as how the pilot can be best evaluated.

### **Affordability (Recommendations 5 & 8)**

36. The Review provides two recommendations that focus upon the important issue of the affordability of child maintenance liabilities. The Government recognises the issue of affordability as of great concern for many paying parents, particularly in the context of the inflationary challenges that are currently impacting the UK economy.
37. In addition, we acknowledge the assertion made in the Review that a system and method of calculating liabilities that is perceived as 'unfair' risks exacerbating abuse or escalating levels of conflict between separating parents.
- 38. Recommendation 5 advises that there is an urgent need for legislative reform to address issues relating to the affordability of maintenance liabilities for low-income paying parents.** This is an issue that has been raised by many key stakeholders, and we recognise that there is a widespread view that, for a significant number of paying parents, affordability is a barrier to compliance with maintenance liabilities (NAO, 2022, p13)<sup>16</sup>.
39. At present, child maintenance is calculated as a percentage of a paying parent's income and the formula used<sup>17</sup> is intended to ensure that maintenance is affordable and adapts to changes in living costs over time. The calculation is intended to represent a sum of money that is broadly commensurate with the amount a paying parent would spend on a child(ren) if they were still living with them, irrespective of the receiving parent's income or assets.
40. The maintenance calculation is also designed to take account of factors such as the shared care of children, children living in a paying parent household, and any other children for whom the paying parent may have financial responsibility.
41. However, we do accept that current formulas used to determine maintenance liabilities were introduced in 2003 and are now quite dated. Therefore, there is merit in assessing whether maintenance calculations are still fit for purpose in the light of societal changes in recent decades.
42. The Government accepts the recommendation and is currently scoping a programme of unrelated strategic work that will include a review of the affordability of child maintenance. This work is likely to include a re-assessment of formulas used to assess child maintenance - particularly within the context of the changing costs of raising children, current inflationary pressures, and average rates of pay – as well as ways in which calculations currently incorporate changes in tax and national insurance payments. We will announce further details in due course.

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<sup>16</sup> [Child maintenance \(nao.org.uk\)](https://www.nao.org.uk)

<sup>17</sup> [How we work out child maintenance \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk)

43. **Recommendation 8 proposes a fundamental reform to update child maintenance calculations to include the income of receiving parents.** The Government will not take forward the recommendation at the present time until the broader and unrelated policy work (referenced above in response to Recommendation 5) has been undertaken and which will include an assessment of issues impacting on the affordability of child maintenance payments.
44. The Government has already consulted on legislative changes to enable the child maintenance calculation to include unearned income which is not currently captured automatically. A review of the suitability of award calculations, including earning thresholds, will necessitate a further assessment of the legislative framework that the child maintenance calculation operates within and the extent to which modifications to the calculation formula may require changes to primary and secondary legislation.
45. The Government believes that the income of a receiving parent – with whom the child(ren) primarily lives - should not remove the responsibility of a paying parent to support their child. In most cases the receiving parent will be supporting a child(ren) through the provision of a home as well as all related expenses. Thus, the majority of paying parents, including those with lower incomes or who are receiving benefits, are required to make at least some financial contribution to the support of their child(ren).
46. A key principle underpinning the establishment of both the 2003 and 2012 child maintenance schemes<sup>18</sup> was to simplify the system and rationalise the number of factors used to calculate child maintenance. Progressing this recommendation would be a particularly far-reaching reform that would involve a substantial increase in the information required in the calculation. Therefore, the Government is mindful that calculating maintenance liabilities via an assessment of both parental incomes risks re-introducing far too much complexity into the system.

### **Intervention & Conflict Mediation (Recommendation 6)**

47. The Review proposes the introduction of a system of referral and mediation - via referrals to sites such as Family Hubs<sup>19</sup> and Separated Parent Information Programmes<sup>20</sup> – where parents experiencing a level of conflict below the threshold of abuse are supported in resolving the issues in their relationship for the wellbeing of their child(ren).
48. The Government accepts the recommendation as we recognise the value of aligning CMS with processes and practices that are intended to help resolve parental disputes without resorting to court processes and in a way that can help stabilise maintenance arrangements.

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<sup>18</sup> Foley N. (2022). Child maintenance: Calculations, variations and income (UK). Research Briefing. House of Commons Library. p33/34. [CBP-7770.pdf \(parliament.uk\)](#)

<sup>19</sup> Family Hubs are centres which, as part of integrated family services ensure families with children and young people aged 0-19 receive early help to overcome a range of difficulties and build stronger relationships. Family Hubs provide a central access point for integrated services. Most commonly, a Family Hub is co-located with other services and signposts families to services within the same building but is equally integrated with services provided at other delivery sites.

<sup>20</sup> A Separated Parents Information Programme (SPIP) is a course which helps parents understand how to put children first whilst separating. A SPIP course helps parents learn fundamental principles of how to manage conflict and difficulties.

## **Child maintenance & prisoners (Recommendation 7)**

49. Recommendation 7 proposes the removal of the nil-rate liability<sup>21</sup> for prisoners and alignment with the Prisoner Earnings Act<sup>22</sup> that requires prisoners on a certain level of earnings to pay child maintenance. This recommendation is in line with Ministry of Justice reviews<sup>23</sup> that propose policy options to help strengthen family ties to reduce re-offending.
50. The Government accepts the recommendation ‘in principle’ as the current legislative framework already enables a receiving parent caring for children of a prisoner to seek maintenance against prisoner earnings / income should they wish to do so.<sup>24</sup> However, the earning threshold requirements are frequently not met so the calculation consistently defaults to a nil rate.
51. We will explore – along with CMS - what can be achieved through administrative means (rather than further legislative change) to further enforce the principle that prisoners should pay maintenance, where they can afford to do so.

## **Domestic abuse training for frontline staff (Recommendation 9)**

52. The Review advises that the complexity of domestic abuse necessitates the inclusion of a broader range of agencies and experts in the provision of training for frontline staff in CMS
53. The Government accepts the recommendation as the reality of domestic abuse is that it is an offence that can impact upon anybody - regardless of sex, gender, age, ethnicity, socio-economic status, sexuality, or background. The Government therefore welcomes the recommendation for domestic abuse training to incorporate providers that specialise in a range of perspectives, including male experiences as well as those with expertise in bi-directional abuse.

## **Implementation (Recommendation 10)**

54. The Review proposes a specifically tasked team within the Civil Service to take forward the recommendations with a remit to report directly to the Independent Reviewer, to commission research, and to oversee progress against the recommendations within the guiding framework of the 2021 Act and related statutory guidance. The Government does not intend to take forward the recommendation as outlined in the Review, although we recognise the importance of developing clear plans for implementation – with clear objectives and timelines - we do not intend to extend CMS accountability in this way. Therefore the monitoring of progress and implementation of the recommendations will form part of ‘business as usual’ policy work undertaken by the Department for Work & Pensions.

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<sup>21</sup> Paying parents who are in prison are not liable for child maintenance.

<sup>22</sup> [Prisoners' Earnings Act 1996 \(legislation.gov.uk\)](https://legislation.gov.uk)

<sup>23</sup> Farmer, Lord. (August 2017). [The importance of strengthening prisoners' family ties to prevent reoffending and reduce intergenerational crime](#). Ministry of Justice; Farmer, Lord. (June 2019). [The importance of strengthening female offenders' family and other relationships to prevent reoffending and reduce intergenerational crime](#). Ministry of Justice.

<sup>24</sup> Via the Prisoners Earnings Act 1996 and child support legislation.

## **Conclusion**

55. The *'Independent Review of the Child Maintenance Service response to Domestic Abuse'* has provided a valuable opportunity to reflect on how the CMS can enhance its processes to support customers who have also suffered domestic abuse. The Review also provides an opportunity to bring the CMS into greater alignment with the 2021 Act.
56. The Government has accepted those recommendations that involve seeking extra legislative avenues to support survivors in making safe maintenance arrangements (Recommendations 1 & 2).
57. The Government also accepts recommendations that are intended to improve the service delivery experience for survivors (Recommendations 3 & 4).
58. The Government accepts a recommendation intended to help stabilise arrangements by reducing conflict between separated parents (Recommendation 6), as well as a recommendation intended to widen the scope of caseworker training in how to respond to the complexity of domestic abuse (Recommendation 9).
59. The Government has accepted a recommendation that focuses on affordability (Recommendation 5). In addition, the Government has accepted a recommendation 'in principle' that focuses on parental responsibility (Recommendation 7), though we intend to explore what can be achieved through administrative means rather than seeking further legislative change.
60. The Government is not planning to take forward two recommendations at this time, which we believe will re-introduce an onerous level of complexity into the child maintenance system (Recommendation 8), as well as extend CMS accountability beyond Parliament (Recommendation 10).

**ANNEXE**  
**Government Response to Child Maintenance Service Domestic Abuse Independent Review Recommendations**

<b><u>Independent Review Recommendation</u></b>	<b><u>Government Response</u></b>
<p><b><u>Recommendation 1: Amend primary legislation to prevent Direct Pay being used as a form of coercion and control by perpetrators.</u></b> <i>CMS should consider accepting the same standards of evidence of abuse as would be accepted for legal aid in private family law disputes.</i></p>	<p style="text-align: center;"><b>Accept.</b></p> <p>Further work needed to assess the standards of evidence that can be accepted within CMS operational capacity.</p>
<p><b><u>Recommendation 2: Ensure the CMS has adequate legal powers to address financial coercion.</u></b> <i>CMS should explore how best to use new powers within domestic abuse legislation to support the prosecution of cases of financial abuse in the context of a maintenance arrangement.</i></p>	<p style="text-align: center;"><b>Accept.</b></p>
<p><b><u>Recommendation 3: Removal of the requirement to report domestic abuse to qualify for the application fee waiver.</u></b>  It does not operate in line with statutory guidance, is not always enforced, and research shows that fewer than one-fifth of survivors report domestic abuse, often due to fears for their safety.</p>	<p style="text-align: center;"><b>Accept</b></p>
<p><b><u>Recommendation 4 - Pilot single named caseworkers for complex domestic abuse cases</u></b> as the requirement for survivors to keep recounting their history of domestic abuse to different call handlers can be traumatising.</p>	<p style="text-align: center;"><b>Accept</b></p>
<p><b><u>Recommendation 5 - Address issues of affordability of liabilities for low-income paying parents.</u></b> The review recommends legislative reform to address issues previously raised by the Social Security Advisory Committee about the affordability of liabilities. Perceptions of unfairness can exacerbate abuse.</p>	<p style="text-align: center;"><b>Accept.</b></p>
<p><b><u>Recommendation 6 - Cross-government coordination of early intervention outside the CMS.</u></b> The review recommends an early intervention system outside (but linked to) the CMS where parents are helped to resolve conflict (i.e., via referrals to sites such as Family Hubs and Separated Parent Information Programmes).</p>	<p style="text-align: center;"><b>Accept</b></p>

<p><b>Recommendation 7 - Removal of nil rate for child maintenance for convicted prisoners.</b> This recommendation is in line with Ministry of Justice reviews that recommend the strengthening of prisoner family ties to prevent re-offending, as well as aligning with the Prisoner Earnings Act that requires prisoners on enhanced earnings to pay child maintenance.</p>	<p style="text-align: center;"><b>Accept ‘in principle’</b></p> <p>The requirement for prisoners to pay maintenance already exists in legislation. We propose exploring what more can be done through administrative measures.</p>
<p><b>Recommendation 8 - Update the maintenance calculation formula to include both parents’ income.</b> The review finds that the inclusion of only one income in the calculation is increasingly untenable and its perceived unfairness can drive conflict and abuse.</p>	<p style="text-align: center;"><b>Decline at the present time, whilst we continue to explore options.</b></p> <p style="text-align: center;">Our response to this recommendation is encapsulated in our response to Recommendation 5.</p> <p>A review of the affordability of child maintenance will include an assessment of the scope to include both parental incomes in a maintenance calculation.</p>
<p><b>Recommendation 9 - Include a broader range of agencies in CMS training.</b> The review proposes that a wider range of agencies, including those specialising in men’s perspectives, should be included in CMS training.</p>	<p style="text-align: center;"><b>Accept</b></p>
<p><b>Recommendation 10 - DWP to produce an Implementation Plan with a specifically tasked team</b> within the Civil Service to take forward the recommendations with a remit to report directly to the Independent Reviewer.</p>	<p style="text-align: center;"><b>Decline</b></p>