



DWP Department for
Work and Pensions

Government's response
to the consultation on
*Strengthening families,
promoting parental
responsibility: the future
of child maintenance*

Presented to Parliament by the Secretary of State
for Work and Pensions by Command of Her Majesty
July 2011

Cm 8130

£10.25



Government's response
to the consultation on
*Strengthening families,
promoting parental
responsibility: the future
of child maintenance*

Presented to Parliament by the Secretary of State
for Work and Pensions by Command of Her Majesty
July 2011.

© Crown Copyright 2011

You may re-use this information (excluding logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> or e-mail: psi@nationalarchives.gsi.gov.uk

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

Any enquiries regarding this publication should be sent to us at

**Child Maintenance Sponsorship and
Strategic Policy Division**

Department for Work and Pensions

3rd Floor

Caxton House

Tothill Street

London

SW1H 9NA

This publication is available for download at www.official-documents.gov.uk.

This document is also available from our website at www.dwp.gov.uk/policy/child-maintenance/

ISBN: 9780101813020

Printed in the UK by The Stationery Office Limited
on behalf of the Controller of Her Majesty's Stationery Office

ID 2440579 07/11

Printed on paper containing 75% recycled fibre content minimum.

Contents

Ministerial Foreword by the Parliamentary Under Secretary of State and Minister for Disabled People	page 1
Executive summary	page 4
• The consultation	
• Breakdown of responses	
• Structure of the document	
Leading themes from the responses	page 9
Summary of responses to consultation questions	page 12
Other issues	page 35
Annex A: List of organisations that responded	page 37

Ministerial Foreword by the Parliamentary Under Secretary of State and Minister for Disabled People

We need to support families to think about their responsibilities for their children when adult relationships break down, to help them ensure their children come first, even during the most difficult times.

Research tells us that one of the most important factors in determining whether positive financial support is in place for children is the relationship between their parents.¹ Early support after separation is also vitally important in helping parents put financial support in place for their children. Yet our current statutory system does little to recognise this.

More than 50 per cent of children living in separated families have no effective financial arrangement in place at all,² most often because parents have lost contact with their children or they don't understand, or mistrust, the statutory system.

Yet at the moment the CSA is seen as the only option for the majority, with only an estimated one in five parents making their own arrangements.³ Others are left either without effective arrangements or trapped in a statutory system most would prefer to be outside of, if only they could get the right support.

In Britain we have numerous charities and voluntary sector organisations providing expert support to separating couples but too often parents seek support too late, relationship support in particular is often seen as a last resort.

In his 2006 report on the child maintenance system,⁴ Sir David Henshaw identified the rationale for charging; with over reliance on the statutory system undermining the need for parents to work collaboratively to take responsibility for the welfare of their children post separation. He identified the need for parents to change their behaviour and that charging for the statutory system was an essential part of that process for both mothers and fathers.

¹ Andrews, S., Armstrong, D., McLernon, L., Megaw, S. and Skinner, C. (2011). *Promotion of child maintenance: Research on Instigating Behaviour Change*. Child Maintenance and Enforcement Commission Research Report.

² Based on Commission and DWP analysis of CSA administrative data and a number of different survey sources: Labour Force Survey 2010, Families and Children Study 2008, CM Options Surveys 2010 and 2011.

³ Ibid.

⁴ Sir David Henshaw (2006) – Recovering child support: routes to responsibility

The Coalition Government is taking forward Henshaw's approach, which the previous administration had legislated for in 2008, and has revisited Henshaw's challenge to ensure that the new system considers the needs of vulnerable groups, which had not yet been taken forward at a policy level.

The Coalition Government identified that if reform was to be successful, then there would need to be:

- Better access to expert support; we are working with leading organisations to establish a coherent way in which parents can be signposted to the most appropriate support using a “therapeutic justice” style of approach – supporting parents to work through emotional issues so they can deal with more practical issues – and seeing maintenance in the broader context of family needs during separation, not in isolation. We know that some parents experience particular barriers to collaboration for a range of reasons, and the system of support needs to recognise this.
- Full recognition of the role that charging for the statutory system can have in prompting individuals to look at how they can work together to come to their own arrangements that will better reflect their own family needs.
- The needs of vulnerable groups are addressed;
 - We will make it easier for parents to access support to enable more low income families to make their own maintenance arrangements.
 - Victims of domestic violence fast-tracked to the statutory system with no application fee.
 - Families on out of work benefits will retain 100 per cent of their welfare benefits entitlement and a heavily discounted application fee to what remains a heavily state subsidised statutory maintenance scheme.

We need to work across Government to make this vision a reality. The Government recognises the crucial role a strong, stable family unit can play in improving life outcomes for its members, and is clear that good family policy is fundamental to the well-being of individuals and to society as a whole. The Department for Work and Pensions is working closely with the Department for Education and the Ministry of Justice as the independently-chaired Family Justice Review develops its recommendations; we must ensure that the systems for supporting separating parents – whatever their presenting problems – are co-ordinated and coherent.

In parallel with our plans for the child maintenance system, the Government's Social Justice agenda is focused on transforming the lives of the most vulnerable families in society. This means tackling the complex causes of social disadvantage, such as family breakdown, educational failure, debt, addiction and worklessness. By addressing all of these risks together, we can help to strengthen vulnerable families so that they can get a foot on the ladder out of poverty.

Our policy objective is to have more children benefiting from effective financial support and more collaborative parenting post separation. There will be renewed recognition of the importance of supporting parental relationships, early intervention and ensuring children enjoy an ongoing relationship with both parents where this is safe. These are the essential ingredients in achieving on-going financial support. We believe that through this approach we can effect real change that will make a real difference to children's lives.

Maria Miller MP
Parliamentary Under Secretary of State
and Minister for Disabled People

Executive Summary

1. Separation is a difficult time, and many people do not know where to turn for support in dealing with the emotional, practical and financial issues they face. Sorting out child maintenance arrangements is just one of those issues. We believe that a more holistic approach to supporting separating and separated parents is needed, one which addresses their multiple needs and which delivers support with children's best interests at heart.
2. Rather than seeing the statutory scheme as the default option, we want to encourage parents to make collaborative family-based arrangements wherever possible. The existing system can entrench conflict, encouraging hostility between parents, reducing the likelihood of continued co-parenting. This needs to change. We believe family-based arrangements are more likely to be enduring, result in ongoing financial support and be better for families and children.
3. We know that more than three million children live in separated families, but only around 50 per cent of them receive child maintenance.⁵ We also know that around half of CSA parents with care and a majority of non-resident parents surveyed felt that they would make a family-based arrangement if they had the right support.⁶
4. That is why we published the *Strengthening families, promoting parental responsibility: the future of child maintenance* (Cm 7990) consultation paper on 13 January 2011 which set out our reform proposals and sought people's views. We wanted to listen to your views on a range of issues that we believe will effect this change in culture that will make a real difference to the lives of separated parents and their children.
5. We received 716 responses to the consultation, including 649 responses from individuals. 167 of the responses from individuals were standard responses. 67 organisations formally responded. In addition, we met four organisations who did not respond formally, but whose views were considered. A number of Members of Parliament and Honourable Lords also commented formally.

⁵ Based on Commission and DWP analysis of CSA administrative data and a number of different survey sources: Labour Force Survey 2010, Families and Children Study 2008, CM Options Surveys 2010 and 2011.

⁶ Wikeley, N., Ireland, E., Bryson, C. and Smith, R. (2008). Relationship separation and child support study. DWP Research Report 503.

6. During the consultation period the Minister and officials also met many representative groups, experts and family support organisations to discuss the reforms and gain a better understanding of their views and draw upon their expertise. These meetings included workshops with voluntary and community sector organisations to discuss particular aspects of the Green Paper proposals, such as integrating family support services and the proposals about exemption from application charges for victims of domestic violence. We also met with Scottish Government officials and stakeholders to discuss the specific issues relevant to Scotland.
7. The Coalition Government would like to thank all those individuals and organisations who took the time to respond either formally or through our meetings and workshops.
8. There was overwhelming agreement with the principle that support for child maintenance should be more joined up with other types of support for separating and separated families. Moreover, a number of respondents expressed the clear view that the statutory child maintenance service should not become inaccessible for those parents who are unable to work together to set up a family-based arrangement, and we have been clear that our reforms will not only improve the statutory system, but ensure that it remains accessible and heavily subsidised for those who need it.
9. Whilst the Child Support Agency has improved over the years, it remains a flawed and expensive system costing £460 million each year to run. Weaknesses in the IT systems mean around 100,000 cases have to be managed off the system, each costing around double what it costs to manage an on-system case, and significant arrears have built up over the past 18 years. Furthermore it costs more than 40 pence to collect every £1 of maintenance from parents.
10. There is also added complexity through the Agency running two schemes – each with different rules – which means that some children are more likely to miss out on effective maintenance arrangements. On the older of the two schemes, the information about our clients is so historic that almost 200,000 are assessed as needing to pay nothing – which again means that many children may be missing out.
11. For those parents on benefits we will continue to disregard their child maintenance payments which sees all of the maintenance going to the children rather than being recovered from benefit payments. These maintenance payments will also remain non taxable.

12. As part of our approach to get parents working together in the best interests of their children, we want to change the culture of inherent conflict which has led to an over reliance on the state system. The proposed levels of charging are designed to make parents actively consider their parental responsibilities and work towards a family-based arrangement.
13. Where parents do choose to use the state system we believe that, in line with promoting parental responsibility, it is fair to ask parents to reprioritise a small proportion of their spending towards the cost of their application and ongoing maintenance collections. The new scheme will continue to be heavily subsidised and the proposed up-front cost only covers a proportion of the projected £220 cost of an application.
14. The following chapters set out the Government's response to the consultation and its approach to reforming the child maintenance system, which encourages a fundamental shift towards parents being supported and empowered to take responsibility for the welfare of their children.
15. In developing its plans for child maintenance, the Department for Work and Pensions has been working closely with the Ministry of Justice and the Department for Education, to ensure our systems for supporting separating parents – whatever their presenting problems – are co-ordinated and coherent. It is important that this inter-departmental working continues as we develop implementation plans to make sure that we align our policies and operational services as far as possible.

The consultation

16. We wanted as many people as possible to access information on our proposals and produced a PDF version of the document plus a rich text format and an executive summary in Welsh. These were all made available online at:
<http://www.dwp.gov.uk/consultations/2011/strengthening-families.shtml>
17. We also alerted key organisations with an interest in child maintenance to the consultation document.
18. As highlighted above many meetings have been held at Ministerial and official level with representative groups, experts and family support organisations to gain a better understanding of their views and draw upon their expertise. These meetings included workshops with voluntary and community sector organisations to discuss particular aspects of the Green Paper, such as integrating family support services and the proposals for victims of domestic violence.

19. We also asked people to send us their views on our proposals and give us their suggestions for reform. The consultation period ran from 13 January to 7 April and we received 716 responses.

Breakdown of responses

20. Responses were received via post and email.

Table 1: Breakdown of consultation responses	Number of responses
Members of the public	628
Child Maintenance and Enforcement Commission staff	12
Department for Work and Pensions staff	9
External organisations	67
Total	716

21. A list of the organisations that submitted responses is in Annex A.

Structure of this document

22. This publication summarises the main points made by respondents and provides the Government's response to the Green Paper consultation. The Government's more detailed plans for reform of the statutory child maintenance scheme will be laid out in affirmative regulations to be introduced in Parliament over the coming months.
23. Paragraphs one to ten of the next section ("leading themes") provide a summary of the views expressed. Whilst not all respondents gave feedback on all the questions, many provided views about the child maintenance system which went wider than the proposals and questions set out in the Green Paper. Comments that were submitted under different headings have been included under the question they best addressed. Responses relating to issues not covered in any of the specific questions have been summarised under "Other issues."
24. Both the original *Strengthening families, promoting parental responsibility: the future of child maintenance* (Cm 7990) consultation publication and this report are available at:
<http://www.dwp.gov.uk/consultations/2011/strengthening-families.shtml>

25. Paper copies of both publications can be obtained from:

**Department for Work and Pensions
Child Maintenance Sponsorship and Strategic Policy Division
3rd Floor
Caxton House
Tothill Street
London
SW1H 9NA**

Leading themes from the responses

1. The *Strengthening families, promoting parental responsibility: the future of child maintenance* (Cm 7990) consultation publication posed seven questions which asked respondents for views on specific elements of the Government's plans for reforming the child maintenance system.
2. Amongst the organisations who responded, there was strong support for the Coalition Government's vision outlined in the Green Paper for encouraging and supporting families to work together to reach child maintenance arrangements during and following separation. There was overwhelming agreement with the principle that support for child maintenance should be more joined up with other types of services that offer support for separating and separated families.

"Having a single virtual hub for information with clear signposting will help families access services sooner and will mean that early intervention relationship counselling can take place while it can still have a positive effect." **4Children**

"We believe that parents should be encouraged and supported to reach agreements on child contact and maintenance without having to enter the statutory system. Options such as mediation are more cost effective and beneficial to sustaining workable long term relationships in the interest of children." **Action for Children**

3. However, against this backdrop of support for the principle of supporting families, concerns were expressed about whether many parents will be able to make family-based arrangements. In a similar vein, a quarter of organisations who responded raised concerns over ongoing investment for support to separating families to make family-based arrangements. There were also some concerns expressed about the implications of the proposals for the Devolved Administrations, for example what making it easier for parents to access existing family support services could look like in Scotland.
4. While recognising the benefits of family-based arrangements, a number of respondents expressed the clear view that the statutory child maintenance service should not become inaccessible for those parents who are unable to work together to set up a family-based arrangement, and we are fully committed to ensuring that the statutory scheme remains accessible and heavily subsidised for those who need it.

5. Views on charging were polarised, which reflected the current adversarial nature of the child maintenance system. Many of the individuals who responded, objected to the introduction of a charge for the statutory scheme, although it is important to note that they may have had negative experiences with the current CSA schemes. We recognise these concerns which is why we have committed not to introduce charging for the current schemes. Instead we will introduce a new, much improved scheme for which we will only introduce charging after a trial period of live running with new cases. There was a range of views from organisations which responded, reflecting a spectrum of often conflicting interests and policy positions. Some felt that it would be harmful to parents with care and take money away from children, while others felt that charging would place an unfair additional burden on non-resident parents. There were some respondents who felt that charging would provide the right incentives to parents to make family-based arrangements, and other groups did not express views on charging at all.

“We support the principle of charging parents to use the statutory scheme as a way of incentivising private arrangements and to change the environment in which the statutory maintenance scheme is seen as the default option.” **Centre for Separated Families**

“One Parent Families Scotland remains firmly opposed to the imposition of charges for a maintenance calculation or the provision of a statutory maintenance collection service. The cost of charging will be borne disproportionately by the parent with care who will, in most cases, be the parent who requests the calculation and who enters the gateway.”
One Parent Families Scotland

“Single parents have enough to deal with without being charged to get the financial help that they are entitled to.” **Individual Response**

6. Many also expressed the view that parents already use the Child Support Agency as a last resort and that if they could have come to a family-based arrangement they would have. However, it is clear from responses to the Green Paper – and from our engagements with the voluntary and community sector during the consultation – that the Government’s vision for integrating support for families to deal with issues following separation and to enable parents to access support early is widely shared by the organisations that help families on a daily basis.

Other themes to emerge

7. Those who responded on the issue of Domestic Violence expressed support for fast tracking clients through the proposed gateway and for no charges to apply. Some organisations expressed concern that this exemption from charging and fast-tracking might encourage people to make false allegations of domestic violence, but there were other organisations that stated that false allegations are unlikely.

“In this respect, we welcome the fact that it is proposed that victims of domestic violence would be fast-tracked through the gateway, and exempt from the application charge.” **Rights of Women**

8. A number of responses raised issues relating to the implications of the Green Paper proposals for the Devolved Administrations. Child support remains a reserved matter in England, Wales and Scotland. However, we do recognise that family support is a devolved matter and that the independently- chaired Family Justice Review applies to England and Wales only.
9. Since the publication of the Green Paper we have been liaising with the Devolved Administrations and this work will continue as our plans develop, specifically to consider how the statutory scheme gateway will interact with existing family support services.
10. The following chapters summarise responses to the specific questions raised in the consultation document set alongside the Coalition Government’s response to those issues raised.

Summary of responses to consultation questions

Question One

Do you agree that maintenance should be more effectively integrated with other types of advice and support provided to families experiencing relationship breakdown to enable them to make arrangements?

1. It was primarily organisations who work to support families and children, rather than individual members of the public, who provided feedback on this question. There was extensive agreement with the fundamental principle underlying the Government's plans that information and support for child maintenance should be integrated with other types of support for separating and separated families. This endorsement was set within the context that if plans to charge parents to use the statutory child maintenance scheme are taken forward, respondents place considerable importance on the services provided to support separating families in making family-based arrangements.
2. As well as responses to the Green Paper itself, our discussions with experts in the sector indicate that this is a vision shared by voluntary and community sector organisations that deal with such problems on a daily basis. Consistently they told us they often find that families cannot navigate the system or access information in a simple way and, by necessity, the statutory child maintenance system cannot always recognise the inter-related issues that need to be resolved.

"We agree that maintenance should be more effectively integrated with other types of advice and support provided to families experiencing relationship breakdown to enable them to make arrangements."

Centre for Separated Families

"Existing support services are not readily accessible to parents. Our own work has highlighted the problem of both national and local services not being well co-ordinated. The absence of suitable branding to encourage parents to access relationship or parenting support services indicates there are some gaps in provision across the country." **Centre for Social Justice**

3. Across responses to the Green Paper and our discussions with organisations during the consultation, it was clear that there is overwhelming support amongst service providers for the view that the system as a whole needs to adapt to recognise the holistic needs of families, in order to deliver the best outcomes for children.

"A holistic approach to supporting families is more likely to produce better outcomes for children and young people, is more cost effective for service providers and better value for the tax payer." **Bucks County Council**

4. Organisations who responded made clear that a significant barrier to seeking help, in addition to simple knowledge of services, can be parents' readiness to seek support for issues around family breakdown.

“Couples in the UK tend not to seek professional help for relationship difficulties except as a last resort. As fear of stigmatisation is a strong deterrent for children and adults to uptake services, provide targeted services within universal provision will minimize stigmatisation and maximise effective engagement. **The Family and Parenting Institute**

5. While there was strong support for the Government's plan to integrate existing support services, around a quarter of organisations who responded – while agreeing with the underlying principle of information and support – did highlight concerns about how much the proposals for family support would be reliant on capacity in the voluntary and community sector. Concerns were also expressed that capacity within these services is reducing due to public expenditure pressures.

“We support the need for holistic support but are concerned that proposals are reliant on a strong voluntary and community sector. It is difficult to see how the sector can provide these services without additional effort and investment. **Family Lives**

Government response

6. Evidence shows that intervening early to support parents, to avoid conflict becoming entrenched, is essential in achieving the best outcomes for children.⁷ It is also clear from responses to the Green Paper – and from our engagement with the voluntary and community sector during the consultation – that the Government's vision for integrating support for families to deal with issues following separation and to enable parents to access support early is widely shared by the organisations that help families on a daily basis.
7. We have listened to the issues raised about the stigmatisation of targeted services which are Government-led, and we are working closely with the voluntary and community sector to understand how best to make it easier for parents to access the support they need.

⁷ E.g. Walker, J. Barrett, H., Wilson, G. & Chang, Y. (2010). Relationships matter: Understanding the needs of adults (particularly parents) regarding relationship support. Institute of Health and Society, Newcastle University/Family and Parenting Institute. DCSF Research Report 233.

8. The Department for Education (DfE), which is responsible for relationship support policy in England, has already dedicated £30 million over the next four years to support relationships. The majority of this funding will be granted, through the DfE's Voluntary and Community Sector Grant Scheme, to trusted voluntary sector organisations to deliver relationship support services. In addition, the DfE is funding a number of online and telephone family information services, which include information, support and guidance on relationships. These services currently support over 350,000 families a month. Where relationship support is devolved, funding for relationship support services is a matter for the Devolved Administrations. The Department for Work and Pensions currently spends £5.6 million a year on information and support provided through the Child Maintenance and Enforcement Commission by its Child Maintenance Options service. Over 100,000 children are estimated to be benefiting from family-based arrangements following contact between one or both of their parents and the Child Maintenance Options service. Current figures indicate that approximately 23 per cent of callers to the service are men.
9. Many parents find that they are unable to navigate the information and support services that are already available, even when they wish to do so. And inevitably, the statutory child maintenance system is not flexible enough to recognise the inter-related issues that parents may need help in resolving. That is why we need to join up the support that is available to ensure parents are able to access the right support at the right time, to better equip parents to work together to deal with the effects of separation with their children's best interests in mind.
10. One of the most important factors affecting parents' behaviour surrounding child maintenance arrangements is the quality of the relationship between them.⁸ We also need to change the culture of attitudes and behaviour around relationship issues which can act as a barrier to seeking professional support, and to normalise the sorts of support that will help parents overcome barriers to collaborating when relationships do break down.

⁸ Andrews, S., Armstrong, D., McLernon, L., Megaw, S. and Skinner, C. (2011). *Promotion of child maintenance: Research on Instigating Behaviour Change*. Child Maintenance and Enforcement Commission Research Report.

Next steps

11. It is voluntary and community sector organisations who work with families and understand their needs – not central Government – who should lead us in bringing about the necessary change in culture, as well as better integration of services, so that parents can access support to collaborate following separation. We are already working with the voluntary and community sector to understand how to achieve this culture change. We are also committed to working with Scottish stakeholders, alongside our ongoing discussions with the Scottish Government about the implications of our proposals for family support services in Scotland.
12. The Government's plans for how existing support services might be better integrated, in the context of the work we already doing with the voluntary and community sector, are outlined in the response to Question Two.

Question Two

How best can maintenance support be integrated within the network of support services to better support families experiencing relationship breakdown to make family-based arrangements?

1. There was clear agreement amongst the organisations that responded that the system should give parents easier access to the information and support they need to deal with the issues following separation, including access to the specialist or face-to-face support they may need. There was also agreement that the system as a whole needs to function in a way that encourages parents to take responsibility to reach agreements between themselves. The responses highlighted that parents' entry points to the system of family support are critical; whatever the trigger point – whether, for example, health issues or children's behavioural or emotional issues relating to family breakdown, parents need to be directed to the core information and support they need as well as any specialist provision.

“Families need encouragement to make family-based arrangements by having a clear picture of the benefit it will bring. Parents need to know what is the best option for their children, and will need access to information on this. We believe [a single helpline and website providing joined up information, advice and support] would be useful for families, especially for those most in need as they can access a fast-track system.”

Care for the Family

2. Consistent with the strong theme indicating that parents' entry points to support can vary depending on what triggers problems, there was overwhelming support for the view that the system as a whole needs to work to encourage separating parents to work together, and to signpost parents to the support they need to achieve this.
3. Many organisations expressed the view that the gateway support needs to be easy to access for the parent seeking to make an application to the statutory scheme.
4. There was widespread support for the aspiration to join up the existing local support so that parents can access face-to-face or specialist help in their local community if they need this additional support, beyond the information and support available through the telephone gateway and any accompanying online support.

“We recommend that local providers are funded to form local partnerships which ensure holistic support and easy referrals”. **Relate**

Government response

5. We know from responses to the Green Paper, and from our ongoing discussions with the voluntary and community sector, that there is no one size fits all approach to integrating services which will deliver the sort of change we need. If anything, the message from stakeholders is that integration will come from a joined-up approach across Government, drawing on a strong evidence base about what support is most effective in helping families. So while many excellent support services already exist, we need to know how best to make this support accessible to parents in the right way, at the right time.
6. We have already begun to work with the voluntary and community sector to understand how joined up services could look in practice – it is essential that those who understand families' needs help shape any changes we make for the future. The system of support as a whole needs to work so as to encourage and enable parents to work together to take responsibility for reaching an agreement about the care of their children following family separation, while also ensuring that where the parent with care of the children needs to access the statutory child maintenance scheme, they are supported in doing so. We will work with the Scottish Government and voluntary and community sector organisations in Scotland to understand how joined up services could look in the Scottish context.
7. The Government is open-minded as to who and exactly how the gateway and wider support are delivered. We need to integrate the support available in a way that addresses what we know to be the barriers to parents collaborating, drawing on the responses to the consultation and our own research exploring routes to bringing about behaviour change.⁹ As a starting-point, it is likely we will work with what is already in place through the Child Maintenance Options service, with the voluntary and community sector playing a major role in helping us to develop what support the Child Maintenance Options service offers or directs parents towards.
8. Our longer-term vision is for as much of the support provided through the gateway to be available through voluntary and community sector organisations. We are working with the sector to explore different potential models for this. For web and phone-based support, initial options being explored include the provision of a single website and helpline that act as a hub to provide or direct people to the guidance they need on the various issues they face during separation. Alternatively, it could be a network of existing websites and phone lines, efficiently directing families between each other so they receive the most appropriate support.

⁹ Andrews, S., Armstrong, D., McLernon, L., Megaw, S. and Skinner, C. (2011). *Promotion of child maintenance: Research on Instigating Behaviour Change*. Child Maintenance and Enforcement Commission Research Report.

9. For some people the information provided online or by phone will be sufficient, but we recognise that others will want face-to-face support provided by trusted professionals in their local community. The Government plans that web and phone based information provision will be able to make people aware of their local support more effectively. For example the use of post-code search functions could help more people locate local support.
10. Fundamental to our approach is the recognition that families' needs around separation extend beyond issues of financial support such as child maintenance. We are working with the Department for Education (DfE) and the Ministry of Justice as the independently-chaired Family Justice Review develops its recommendations. We must make sure that the systems for supporting separating parents – whatever their presenting problems – are co-ordinated and coherent.
11. In considering how to make existing services easier for parents to access, of course, we also recognise that there may be some gaps in the support that is available locally. Through our ongoing work with the DfE and with voluntary and community sector organisations, we will build up a better picture of existing local provision and how we might build capacity at local level, while also making the most of the resources that are already in the system to ensure the system as a whole functions to direct parents to the support they need.

Next steps

12. We will continue our discussions with the voluntary and community sector about how best to develop the information and support that is available currently through the Child Maintenance Options service.
13. We are awaiting the findings of the evaluation of the DfE child poverty pilots, due later in the summer, to understand what approaches to co-locating services together are most effective in supporting separating families. The possibility of Sure Start Children's Centres acting as local hubs in some locations to provide relationship support is an example of the approaches we are working on with the DfE. We are also exploring new ways of working with the charities and voluntary sector organisations who deliver services in children's centres.
14. We recognise that wider relationship support, such as that provided in children's centres, is devolved to Scotland, Wales and Northern Ireland. We are working with the devolved administrations and voluntary and community sector organisations in the devolved administrations to understand what support could be joined-up for families living in these locations.

Question Three

What information, advice and support services should be integrated to assist families in making family-based arrangements?

1. There was widespread agreement amongst the organisations who responded that parents need to be able to access support on the range of issues on which they may need help – recognising that child maintenance is often just one issue that separating parents may need to resolve, and that there may be other practical and emotional issues to work through before parents can work together to consider how best to make arrangements for child maintenance.
2. It is important that parents can easily access services that can help them to deal with the wider practical issues that are often associated with divorce or separation. These issues may include, but are not restricted to, housing, financial (including debt and benefits) and legal advice. There already exists a number of organisations who are delivering excellent support on these issues, for example Citizens Advice, 4Children, Shelter, and the Money Advice Service (formerly the Consumer Financial Education Body).

“All organisations working in the sector should be able to provide information to parents on the range of options available to them in terms of the process of accessing child maintenance from a former spouse or partner, or providing it to a partner.” **Money Advice Service**

“The type of services on offer should include those that offer counselling or advice on emotional and relational fall-out, parental conflict, shared parenting, issues of contact, special services for fathers, debt advice and practical information that target both the parent with care and the non-resident parent.” **Church of England**

3. A related theme in the responses from organisations was how providing their existing services in the context of an integrated support services might work in practice. For example, some organisations indicated that offering their services as part of a network of organisations to which parents are directed by an information hub could require a small shift in the delivery of some organisations to respond to the needs of both parents and to work within an integrated framework.
4. Views were also expressed that family therapy services for those parents in high conflict should be available and that mediation services which are configured to meet the aspirations of parents to share care and financial provision for their children should also be available, whether through the website or through local channels.

5. Feedback also suggested that any local hubs might also draw in other services such as Home-Start, health services, Sure Start Outreach, adult education, employment and others. There was general agreement with the principle that local hubs would be able to reflect local need and local availability.

“(We) agree that Sure Start Centres have potential to act as hubs for maintenance advice. (We) support an initial triage for problems through gateway services such as website and helpline.” **Centre for Separated Families**

“It is essential that information about child maintenance is readily available across a number of voluntary and statutory organisations including GP surgeries, hospitals, community centres, nurseries, women’s organisations.” **Women’s Health and Equality Consortium**

6. It was clear from the responses that there is a range of support available through organisations including – amongst others – Relate, Centre for Separated Families, and National Family Mediation that can help families to work together to deal with the issues around separation, for example mediation, alternative dispute resolution, or counselling. Some parents will be able to work together without intensive support.
7. The responses clearly indicate that one size does not fit all in terms of supporting families to make family-based arrangements, and as such a fully integrated system is required which efficiently identifies parents’ information and support needs, provides initial information and support, and directs them to the specialist support they may require.

“Services involved should in our view include Sure Start Childrens’ Centres, CAB, childrens social care, Family Information Services, health provision and specialist support services, such as support services for victims of domestic abuse.” **Bucks County Council**

“Children’s Centres are exactly the kind of community hub that should be used to provide this support.” **4Children**

Government response

8. It is clear from the feedback to the Green Paper and from our discussions with organisations working with families that there is no single solution that will help all parents to make family-based arrangements, and family-based arrangements will not be possible or appropriate for every family. We know that every family is unique and some will need more support during and after separation than others.

9. For those parents who can and will work together, practical tools such as family-based arrangement templates that may help parents document what they have agreed, online maintenance calculators, case studies and interactive peer support could be provided, building on what the current Child Maintenance Options service provides.
10. While there is a range of support currently available, there was a clear message from organisations working with families that an effective system is one that provides – or enables parents to access from specialist providers – a range of support, and parents are directed to the support that is most relevant to their needs. We are already working with the voluntary and community sector to understand what integrated support might look like, including how best to join up the services within a model that recognises the diverse ways in which these organisations offer support to families.
11. The Family Justice Review is looking at the whole of the family justice system to help more parents make their own arrangements for their children after separation, including through the use of mediation and other approaches to dispute resolution.
12. We are committed to working across Government, and with the Devolved Administrations, to ensure a fully joined up approach, and as part of our early reforms to the child maintenance system we intend to develop the gateway service, working initially within the Child Maintenance Options service. We need to get this right for the long-term, to take forward the reform of the child maintenance system begun by the previous Government and set the system in the context of the range of support parents may need when they separate – and recognising the need for a cross-Government approach to reform.
13. First we need to gain a greater understanding of what types of support are most effective in helping different families to work together to resolve issues following separation. With an improved evidence base, we can look at the best ways to join-up the most effective support, making it simpler for separating families to access the information and support appropriate to their circumstances.

Next steps

14. The first stage of the process is gaining a greater understanding of what support is most effective in helping different families work together through separation. Alongside our ongoing discussions with voluntary and community sector organisations, we have already begun to synthesise the existing evidence – much of it provided to us by the sector from their knowledge of the field – on what support separating families need to resolve matters such as child maintenance.
15. We are enlisting the input of a group of experts to assist in building a robust evidence base about what support can help different families. The group of experts will also help us to design, test, and evaluate a series of interventions for supporting parents to collaborate, working initially through the Child Maintenance Options service.
16. The Department for Work and Pensions is working very closely with the Department for Education, who are commissioning research to test the efficacy of a number of relationship support interventions. This research will help build our shared understanding of the problems different families face and the types of effective support that can help them work together.
17. With this improved evidence base, we will be in a better position to join-up the most effective support, making it simpler for separating families to access the information and support appropriate to them.
18. We will continue our wider discussions with the voluntary and community sector over the coming year, as we develop the existing support in time for the launch of the new child maintenance scheme and beyond.

Question Four

What support around child maintenance is needed for the most vulnerable families to make family-based arrangements?

1. There was clear support from respondents for the vision of supporting separating and separated families to work together wherever possible. There was also recognition that some parents will experience particular barriers to collaboration for a range of reasons, and that the system of support needs to recognise this.

“We believe that support and advice to young vulnerable parents should offer the opportunity to consider the possibility of forming lasting relationships and, where this is not possible, support parents to build collaborative post-separation arrangements.” **Centre for Separated Families**

2. For many parents, access to information and support early when problems first occur, and access to specialist support if needed, is very important. Some responses indicated that because family-based arrangements are not enforceable some parents may not feel motivated to set them up. Linked to this there was also some concern expressed that some parents with care may settle for less child maintenance than they are entitled to.

“The importance of providing early and timely support and advice for all families going through these processes should not be underestimated, and the necessity to simplify the system for all users in this regard, cannot be overlooked.” **Families Need Fathers & Jewish Unity for Multiple Parenting**

“Support is more likely to be effective if it is delivered by experienced workers with the capacity and flexibility to build trust-based relationships and work through issues specific to individuals/families cooperatively.” **Children in Scotland**

3. Many organisations expressed concern about the implications of charges for vulnerable or low-income families in particular, underlining the importance of specialist support for parents to resolve the range of issues they may face.

“...CPAG believes that the imposition of charges on families for whom such arrangements are likely to be difficult if not impossible is unfair and will greatly increase the likelihood of them living in poverty.” **Child Poverty Action Group**

“Family-based arrangements are not always the most appropriate solution for many families....Due to the complexity of issues that separating families face, many need support in settings and from service providers and networks that they can trust.” **Barnardo's**

Government response

4. We recognise that some parents face particular barriers to reaching mutually acceptable arrangements, and of course not all parents will be able to work together to set up a family-based arrangement. But our starting point should be that parents working together to create an arrangement is the goal, and parents should have access to the information and support they need to try and overcome the barriers that prevent them from making family-based arrangements wherever possible. We believe that early access to support for vulnerable families is particularly important, as well as access to specialist support where this is necessary.
5. The new calculation service to be offered by the Child Maintenance and Enforcement Commission will give parents an indicative calculation of what the child maintenance calculation would be under the statutory scheme rules. This tool will draw on an array of information to give parents an indicative calculation, on which they could consider making a family-based arrangement for maintenance. The tool will be an important part of the support that will seek to empower separated parents to make informed choices in relation to the maintenance arrangements that are in their children's best interests.
6. For those parents who cannot work together to set up an arrangement, the statutory service will be there. The Green Paper proposals are not denying parents access to the statutory system, but rather encourage parents to work together wherever possible and support them to do so. For those parents for whom this is not possible, we have been clear that the statutory scheme will continue to be accessible and heavily subsidised, as well as more efficient and effective.
7. We need to ensure the system as a whole works to provide vulnerable parents with the support they need to help themselves, to enable mothers and fathers to take decisions together as parents that will bring about the best outcomes for their children. The Government is committed to tackling child poverty and improving children's life chances, and our plans for reforming child maintenance are an important part of this. Evidence shows that ongoing involvement of both parents in children's lives is better for children across a range of outcomes.¹⁰ Supporting parents to work together to take decisions that are in their children's best interest is the best way to ensure that children in separated families have the best possible environment for them to flourish.

¹⁰ Mooney, A., Oliver, C. and Smith, M (2009). *Impact of Family Breakdown on Children's Well-Being: Evidence Review*, Department for Children, Schools, and Families, Research Report 113.

8. Lots of parents are already making their own family-based arrangements, which meet their individual family's needs. Child Maintenance Options currently provides information and support to help parents make arrangements, including case studies about parents who have successfully established a family-based arrangement. This sort of tool can play an important role in helping parents to understand how to make a family-based arrangement and why they could be a better solution for parents and children.
9. We recognise that the perceived lack of enforcement associated with family-based arrangements may be a barrier for some parents in reaching such arrangements. We will explore whether it would be possible to address this in the context of our wider plans to make it easier for parents to make family-based arrangements.

Next steps

10. We are establishing a group of experts to help us design, test, and evaluate interventions to support parents to collaborate. We expect this work to form a critical part of the evidence base about what support works for different families.
11. We are working with the Ministry of Justice (MoJ) and the Department for Education (DfE) to explore the feasibility of making family-based arrangements enforceable. If we conclude that enforceable family-based arrangements would be feasible, any product would need to fit in the wider context of our reform plans; facilitating the sorts of arrangements we want to encourage – those based on co-operation and collaboration between parents – without unduly drawing parents back within the courts system or the statutory child maintenance system. We will consider the options here in consultation with MoJ and DfE in the context of the ongoing independently-chaired Family Justice Review. A different family law system operates in Scotland, and in the Scottish system Minutes of Agreement provide for family-based arrangements that are enforceable. We will continue to work with the Scottish Government as we explore options for enforceable family-based arrangements in the wider context of the Green Paper proposals.

Question Five

Is the balance of burden of the proposed charges fair between the non-resident parent and parent with care?

1. The views of respondents here were polarised, reflecting a spectrum of often conflicting interests and policy positions. 36 of the respondent organisations said that the proposed charges did not strike a fair balance between the non-resident parent and parent with care. Of these, most commented that the proposals would place an unfair burden on the parent with care.

“As the parent with care is usually left to shoulder both the financial and the emotional burden of caring for their children single-handedly, it seems fair any charges incurred should fall on the parent whose failure to fulfil their child maintenance obligations has made state intervention necessary.” **Child Poverty Action Group**

“Whereas the parent with care will have to pay an application fee to get the statutory child maintenance service involved, the non-resident parent can escape all charges if, once contacted by the Commission with the statutory amount he has to pay, he opts to make payment direct to the parent with care rather than have the money collected by the Commission. There is no equivalent opt out from charging for a parent with care who has to use the statutory system because the non-resident parent will not pay voluntarily.”
Gingerbread

2. However a significant number of organisations said that the unfairness would fall on the non-resident parent.

“We are very concerned at the proposal that there should be higher rates of collection charges placed upon “NRPs” than “parents with care (PWCs)” (15-20% as opposed to 7-12%). To consider that the NRP will always be in a stronger financial position to contribute to collection charges is overly simplistic.” **Families Need Fathers & Jewish Unity for Multiple Parenting**

3. Six of the respondent organisations believed that the balance in charges between the non-resident parent and parent with care was appropriate. 30 respondent organisations did not answer this question.

“The balance seems fair.” **Care for the Family**

The Government Response

4. In his 2006 Report Sir David Henshaw stated “The most straightforward way of deterring (applications to the statutory scheme) would be to charge parents with care an up-front fee.” The Report goes on to elaborate this by saying that “charging can also be used to incentivise parents to make their own arrangements where possible. Creating successful private arrangements requires both parents to co-operate, which suggests a rationale for charging both parents with care and non-resident parents for using the service”.
5. We agree with his analysis and this is why we are introducing charging for users of the statutory maintenance service as a means of encouraging both parents to consider family-based arrangements. These reforms will introduce the type of charging framework which Henshaw envisaged and for which the previous government made provision in the Child Maintenance and Other Payments Act 2008.
6. We believe that there is a fair balance in the burden of the proposed ranges of charges between the non-resident parent and parent with care and that these charges will encourage clients to consider their options and what is in the best interests of their children. Our proposals will also specifically address the issue Henshaw identified of parents with care currently opening applications in order to pressure the non-resident parent to reach a private arrangement, but failing to follow through at significant unnecessary cost to the taxpayer.
7. Whilst the parent with care will in most cases pay the initial application charge, the non-resident parent will be liable for a higher ongoing charge, if the case is within the collection service. The non-resident parent will also be liable for a charge in the event of any enforcement action that needs to be taken for non-compliance. This ensures that any non-resident parent who fails to live up to their responsibilities will be penalised accordingly.
8. Where payment is made by the non-resident parent directly to the parent with care through a maintenance direct arrangement, neither party will be required to pay any ongoing collection charges. In addition, those parents on benefits who apply to the statutory scheme will have the outstanding £30 of their application charge waived in these cases.

Next Steps

9. We recognise that low income and vulnerable groups use the child maintenance system and we are determined to ensure that in building upon the Henshaw report the needs of vulnerable clients are taken into account. That is why we have proposed a reduced application charge for parents on benefits and no application charge for victims of domestic violence.
10. We know that parents' behaviours after separating are driven by a wide range of factors, most importantly their relationship, emotions and attitudes. By providing parents with the right support and guidance, establishing a joined up approach to family support and ensuring that families can access that support at the earliest point we believe that vulnerable clients will benefit from these reforms, and that charges should be seen within this context.
11. In working closely with organisations in the voluntary and community sector we will continue to develop our understanding of the needs of vulnerable clients to ensure that we build a system that tailors its approach accordingly.
12. We will announce further details, including the exact charging levels, and put forward regulations, in due course; these will be subject to public consultation and debate in Parliament.

Question Six

Are parents being asked to make a fair contribution to the costs of delivering the statutory child maintenance system?

1. Again, there were a plethora of different responses here. 41 respondent organisations did not believe that parents are being asked to make a fair contribution to the costs of delivering the statutory child maintenance system.

“Children in lone-parent families were much more likely to live in ‘low-income’ and ‘low-income and materially deprived’ households than those in families with two adults. Placing extra charges and costs on single parent families will only serve to exacerbate this situation to the further detriment of children in those families.” **Barnardo’s**

“For some parents, though, finding this fee upfront will be immensely difficult, particularly when they are not yet in receipt of the money they are owed by the non-resident parent.” **4Children**

“Children are likely to lose out. Not only will there be a direct financial loss...but there is a risk that children in poorer families will lose out because the parent with care will consider the financial barrier to be too high and simply give up.” **Action for Children**

2. This compares with six respondent organisations that believe the proposed contribution to the cost of delivering the statutory system is fair.

“We believe that charging to use the statutory child maintenance system provides a powerful incentive for parents who are divorcing or separating to consider the alternatives to the statutory scheme.” **Centre for Separated Families**

“The new CSA system looks promising. This will save unnecessary use of the statutory scheme as in many cases the family can make their own family-based arrangements. This is both cost-effective, and quicker.” **Care for the Family**

3. Some respondents stated specific views on the type of charges proposed. Ten respondent organisations were in favour of the principle of charging application fees and eight supported charges for collecting child maintenance through the statutory system. This compares with 39 respondent organisations who were opposed to application charges and 30 opposed to collection charges.

4. There were nuances in the responses from those opposed in principle to parents being asked to make a contribution to the costs of the statutory system. For example, and as noted in Question Five, many organisations' criticisms focused solely on the charging proposals for parents with care, in particular that many parents with care would be unable to afford application charges and this would lead to fewer child maintenance arrangements. Some respondents suggested the costs should be borne equally or wholly by non-resident parents if they are not meeting their responsibilities.
5. A sizeable minority of respondents, including organisations that work closely with families and children, did not directly answer the question of whether parents are being asked to make a fair contribution to the costs of delivering the statutory child maintenance system or express an opinion on charging.

The Government Response

6. As part of our approach to encourage parents to work together in the best interests of their children, we want to change the culture which has led to an over reliance on the state system.
7. The Government believes that the proposed levels of charging have been balanced to offer value for money for both parents and taxpayers. The proposals build on primary legislation brought in by the previous Government to allow charges for parents to use the statutory child maintenance service.
8. The statutory service is, and will continue to be, heavily subsidised by the Government. Given that the administrative cost of processing an application to the new statutory scheme is expected to be on average £220, we believe it is fair to ask parents to reallocate a proportion of their spending to contribute to the cost of providing this service.
9. Treatment of child maintenance continues to be generous for parents with care and children. It will continue to be fully disregarded for the purposes of benefit entitlement meaning parents with care will still keep 100 per cent of their benefits, and it is not taxable.
10. Most importantly, we believe that the introduction of charging, together with the other reforms to the child maintenance system, will create a point at which parents have to consider collaboration and that this will enable them to move away from costly, adversarial, state-imposed solutions towards mutually agreed family-based arrangements which we believe will deliver better outcomes for children.

11. We believe these arrangements are more likely to be better for children because they are collaborative, flexible and centred around their welfare. Indeed, in a recent survey, just over half of CSA parents with care said that with help from a trained impartial adviser, they could make their own family-based arrangement.¹¹ Our research also tells us that many parents who have separated remain able to work together.

Next Steps

12. We will bring forward detailed proposals as well as draft regulations in due course. These will be subject to a further full consultation and debate in Parliament.

¹¹ Wikeley, N., Ireland, E., Bryson, C. and Smith, R. (2008). Relationship separation and child support study. DWP Research Report 503.

Question Seven

How should the proposals in Chapter Two of the Green Paper be tailored for separating families where there has been violence or a risk to the child?

1. The Green Paper outlined a commitment to provide an exemption from the application charge for victims of domestic violence building on the Government's strategic vision set out in 'Call to End Violence against Women and Girls' (25 November 2010). Most respondents to this section commented on the various aspects of complexity that would be involved in coming up with policy specifically tailored towards families where there had been violence or risk to a child.
2. Whilst many of the responses concentrated on the proposal for an exemption from charging and the creation of fast track procedures, the majority of respondents did not express an opinion on the exemption from charging and fast-tracking for victims of domestic violence. Of the organisations that did express an opinion, 25 supported an exemption from charging and 16 supported the creation of fast track procedures for victims of domestic violence through the gateway to the statutory service. However, several respondents expressed concern that victims of domestic violence would not be exempt from collection charges.

"The Government needs to ensure that separating families where there has been violence or a risk to the child are automatically fast-tracked through the system, so that the parent with care has to make no contact with their ex-partner and cannot be traced by their ex-partner." **Barnardo's**

3. A number of organisations advised that procedures and practices of the statutory service would need to be sensitive to the reluctance of domestic violence victims to approach statutory agencies. Further to this, a notable number of organisations who responded to this question advised that domestic violence victims would find it difficult to produce evidence that they have experienced domestic violence because the control exerted by perpetrators of domestic violence means that many victims may never have been able to report their experiences to a public body.

"A significant number of women who apply for child maintenance will be trying to obtain maintenance from an abusive ex partner, but will not name the experience as abuse, be reluctant to do so, or will have no evidence. A lack of evidence does not detract from the debilitating experience of being controlled and undermined by another." **Maypole Women**

4. An alternative to requiring applicants to the statutory service to produce evidence of domestic violence was suggested during a roundtable of organisations that support victims of domestic violence. This suggestion was that applicants should self-declare or affirm that they had been a victim.

“Refuge strongly believes that statutory agencies need to start from a position of believing domestic violence victims and recommends that the exemption scheme operates on the basis of self-reporting, whereby an applicant is fast tracked upon first disclosure.” **Refuge**

5. 13 respondents raised concerns that the exemption for domestic violence victims would encourage applicants to the statutory service to make false allegations of domestic violence and that this would have negative consequences.

“The provision of fast-tracking applicants to receive child maintenance payments through the statutory system when there is alleged violence or risk to a child is one that we believe is fraught with difficulties. We are very concerned that there is potential for the system to be abused as a result of false allegations of domestic violence. The temptation to make such allegations is further increased by the fact that such deliberate attempts to smear in this way often go unpunished; indeed, the consequence of punishment for false allegations is not adequately explained to the alleege at the beginning of the process.” **Families Need Fathers & Jewish Unity for Multiple Parenting**

“We are aware that these exemptions could provide perverse incentives for false allegations to be made, with the result that payment would be fraudulently avoided. In addition, parents who are the subjects of the allegations may be unfairly refused contact with their children with all the negative outcomes for those children that this entails.” **Centre for Social Justice.**

6. However, organisations that support domestic violence victims stated that such false allegations are rare and that the primary issue is the reluctance of genuine victims to come forward.
7. Through meetings with stakeholder groups and responses to the Green Paper, a number of respondents have recommended that we should adopt the Home Office / cross Government definition of domestic violence to help us develop our proposals as we move forward. The definition was introduced in 2004 replacing 14 different definitions that were in use across Government at the time. It is defined as follows:

“Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or sexuality.” **Home Office definition**

The Government Response

8. The Government is committed to ensuring that the most vulnerable individuals are able to make suitable child maintenance arrangements for their children. This is why we feel it is vital to gain as much information as possible to help us draft our exemption policy. In addition to views expressed through the consultation responses we have been meeting stakeholder groups to gain their valuable input as well. We will ensure that victims of domestic violence will be exempt from the application charge and fast-tracked through the gateway.
9. Whilst victims of domestic violence will be fast-tracked through the system to make an arrangement through the statutory scheme, they may also benefit from some of the family support services accessible through the gateway, particularly with help for non maintenance-related issues.

Next Steps

10. We want to continue in the months ahead to develop the detail of these proposals and ensure that we reach a sensible approach to identifying victims of domestic violence and criteria for those applying to use the statutory scheme. We are also aware of the need to take account of Scottish approaches to domestic abuse and will work with the Scottish Government as we develop our proposals.
11. However we develop our domestic violence exemption, we want to ensure that the policy does not lead to unintended consequences, such as false allegations or restricted access to the exemption. We are keen to address these and other issues to ensure that the exemption from charging is legitimate and robust. In this area we will take as much time as necessary to consider the detail of our proposals with the intention of publishing draft regulations which will be subject to public consultation before debate in Parliament.

Other issues

1. Some respondents raised issues that were outside the immediate scope of the questions in the Green Paper. A summary of these are outlined below.
2. A number of responses raised the issue of contact between separating parents and their children.
3. We believe that, in most circumstances, it is in the best interests of the child to have a relationship with both parents and that they both have a responsibility to ensure the wellbeing of the child.
4. We do recognise that in some cases there can be tension and hostility between parents which can result in unreasonable behaviour including cessation of maintenance payments or the refusal to allow the child contact with the other parent. This is both an important and complex issue and as part of the consultation we asked the Family Justice Review to consider whether contact and maintenance should be linked, in light of the wider reforms to the Family Justice System.
5. Some responses to the consultation were opposed to linking contact and maintenance, as this could further entrench conflict and lead to a situation where money and time are traded without consideration for the best interests of the child. Other responses were more positive to linking contact and maintenance given they felt that the current system favours the resident parent, as withholding overnight contact through the statutory system can have financial incentives.
6. The Family Justice Review published its Interim Report in March and the Government will await the final report in the autumn before commenting on the recommendations and deciding how to proceed.
7. Some responses commented on the interaction between the statutory child maintenance scheme and consent orders (in England and Wales) and minutes of agreement (in Scotland). Under current law, either party can apply to the CSA to replace the child maintenance component of either of these agreements once they have been in force for a year (and they were agreed on or after 3 March 2003). Resolution has recommended changes to this rule for England and Wales and we are currently considering the evidence that they submitted. The Law Society has also argued for a greater role for the courts. We are also discussing with the Scottish Government whether it would be appropriate to make changes in relation to minutes of agreement. Either change would require primary legislation, so we will consider the arguments in the light of the Family Justice Review's recommendations before making a decision.

8. Many individuals commented on particular issues relating to the functioning of the child maintenance scheme. Those issues that respondents mentioned were:
 - the loopholes that allow non-resident parents who are self-employed or company directors to get away paying the minimum amount of maintenance when their lifestyles suggest otherwise.
 - the calculation rates when the non-resident parent has a second family.
 - that shared care arrangements were flawed and unfairly penalised the non-resident parent.
9. Although the issues in paragraph eight were outside the scope of the Green Paper, some of these are clearly important and we will look further at these specific issues.

Annex A – Organisations who responded to Strengthening families, promoting parental responsibility: the future of child maintenance consultation

4Children
Accountant in Bankruptcy
Action for Children
Advice Northern Ireland
Advice Services Coventry
Apna Haq
Ardoyne Women's Group
Barnardo's
British Association of Social Workers
Buckinghamshire County Council
Care for the Family
Centre for Separated Families
Centre for Social Justice
Child Poverty Action Group
Children 1 st
Children in Scotland
Children in Wales
Church of England
Citizens Advice
Committee for Social Development Northern Ireland
Consumer Financial Education Body – now known as Money Advice Service
Dead Beat Dads
Faculty of Advocates
Families Need Fathers and Jewish Unity for Multiple Parenting
Family and Parenting Institute
Family Law Bar Association
Family Lives
Fatherhood Institute
Fife Gingerbread
Gingerbread
Information Commissioners Office
Joint Standards Committee Northern Ireland
Law Society
Law Society of Scotland
Liverpool Law Society
Low Incomes Tax Reform Group
Maintenance Assist
Mankind Initiative
Maypole Women
Men's Aid

National Association for Child Support Action
National Family Mediation
National Youth Advocacy Service
One Parent Families – Scotland
One Plus One
Parity
Promoting Respect for Young Mothers (Prymface)
The Public and Commercial Services Union and Northern Ireland Public Service Alliance
Refuge
Relate
Relationships Foundation
Resolution
Rights of Women
Scottish Court Service
Scottish Youth Parliament
Shakti Women’s Aid
Tavistock Centre for Couple Relationships
Telford and the Wrekin Citizens’ Advice Bureau
United Child Maintenance Solutions
Ventura
Vertex
Welsh Women’s Aid
Women’s Aid
Women’s Aid Northern Ireland
Women’s Health and Equality Consortium
Women’s Information Northern Ireland
Women’s Support Network Northern Ireland

In addition, the following groups did not formally respond to the consultation, but provided us with their views at meetings.

- Citizens Advice Scotland
- International Family Law Group
- National Society for the Prevention of Cruelty to Children
- Respect
- Against Violence and Abuse Project – provided their views at meetings and although they did not comment formally on the consultation, they endorsed the response by Rights for Women



information & publishing solutions

Published by TSO (The Stationery Office)
and available from:

Online

www.tsoshop.co.uk

Mail, telephone, fax and email

TSO

PO Box 29, Norwich, NR3 1GN

Telephone orders/general enquiries:

0870 600 5522

Order through the Parliamentary

Hotline Lo-Call: 0845 7 023474

Fax orders: 0870 600 5533

Email: customer.services@tso.co.uk

Textphone: 0870 240 3701

The Parliamentary Bookshop

12 Bridge Street, Parliament Square,
London SW1A 2JX

Telephone orders/general enquiries:

020 7219 3890

Fax orders: 020 7219 3866

Email: bookshop@parliament.uk

Internet: <http://www.bookshop.parliament.uk>

TSO@Blackwell and other accredited agents

Customers can also order publications from:

TSO Ireland

16 Arthur Street, Belfast BT1 4GD

Telephone orders/general enquiries:

028 9023 8451

Fax orders: 028 9023 5401

This publication and a Welsh version of the
Executive Summary are available online at:
www.dwp.gov.uk/policy/child-maintenance/

For more information about
this publication, contact:

**Child Maintenance Sponsorship and
Strategic Policy Division**

Department for Work and Pensions

3rd Floor

Caxton House

Tothill Street

London

SW1H 9NA

Copies of this publication can be made
available in alternative formats if required.

Department for Work and Pensions

July 2011

www.dwp.gov.uk

ISBN 978-0-10-181302-0



9 780101 813020