

# The Draft Child Support Management of Payments and Arrears (Amendment) Regulations 2012

Government response to consultation on Draft Regulations

15 October 2012

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# Introduction

## Background

1. The Child Maintenance and Enforcement Commission (“the Commission”) was the Government body responsible for the child maintenance system and was established through the Child Maintenance and Other Payments Act 2008. The Commission was abolished on the 31 July 2012 and subsumed into the Department for Work and Pensions (“the Department”) as the “Child Maintenance Group”. The Child Support Agency now functions as one of the “operational arms” of the DWP providing the Government’s statutory maintenance service.
2. The Child Maintenance and Other Payments Act 2008 (“the 2008 Act”) provided new arrears management powers allowing the Department to efficiently manage the level of child maintenance arrears that have previously accumulated.
  - Section 32 – Power to accept part payment in full and final satisfaction
  - Section 33 – Power to write off arrears
3. The Department remains committed to pursuing arrears of child maintenance and ensuring that parents meet their financial responsibilities for their children. Arrears remain due, parents will not be relieved of their liability to pay and the Department will (as now) continue to pursue arrears whenever a parent with care wishes and to do so is in accordance with the legal obligations and established policies. The proposed implementation of the debt management powers does not therefore represent a significant change of policy.
4. These powers will, however, aid the Department in bringing to a resolution a small minority of cases where the arrears are unlikely to ever be collected in full, thereby enabling the Department to concentrate its resources – and powers to enforce payment – on those cases where it is possible to recover payment.

## Purpose of this document

5. The Coalition Government recognises the importance of listening to and engaging with stakeholders in order to benefit from their expertise and experience. The Commission (before it was subsumed into the Department) contacted a wide range of stakeholders with an interest in child maintenance, advising them of the consultation on the Draft Child Support Management of Payments and Arrears (Amendment) Regulations 2012 (“the draft regulations”).
6. This document sets out the main points made by respondents and provides the Government’s response. This should not be taken as an authoritative interpretation of the law. Such an interpretation can only be provided by a Court.

7. The Regulations and accompanying explanatory memorandum will be available on the website managed by the National Archives at:  
<http://www.legislation.gov.uk/secondary/2012>
  
8. This document is available on the Department's website at:  
<http://www.dwp.gov.uk/consultations/2011/child-support-pyt-and-arrears-regs-2012.shtml>

# Part 1 – Consultation summary

9. The formal consultation period ran for a period of 12 weeks (in line with the Government Code of Practice) from 19 December 2011 to 12 March 2012. Stakeholders could respond by email via a dedicated email address, accessed through the Department's website.
10. The Government received 14 responses to the consultation from a mixture of organisations and individuals. A list of respondents is at **Annex A**. The Government is grateful for the contributions received.
11. The draft Regulations will be laid before Parliament and debated. It is the Government's intention that they will come into force late 2012, subject to Parliamentary approval.

## Summary of key proposals

### **Section 32: Power to accept part payment of arrears in full and final satisfaction**

12. The power in Section 32 of the 2008 Act enables the Department to negotiate with both the non-resident parent and the parent with care, to accept a part payment in full and final satisfaction of the full amount of child maintenance arrears owed.
13. The intention of the power is to get money flowing to children where the non-resident parent is unable or unwilling to pay the full amount of arrears outstanding and the parent with care may prefer to secure some money in the short term, rather than wait for arrears to be paid over an agreed number of years, or it may be that previous enforcement action against the non-resident parent has been exhausted without a successful outcome.
14. It is envisaged that where appropriate, the Department's flexibility in brokering a part payment as full and final satisfaction of the full amount of child maintenance arrears owed, will act as an incentive for non-resident parents to make payment, where they may not have previously been inclined to do so. However, we must make clear that a part payment in full and final satisfaction of arrears can only be accepted with the agreement of the parent with care.

### **Section 33: Power to write off arrears**

15. The proposed write off power in Section 33 is limited so that the Department may only exercise it where the circumstances of the case are of a description

prescribed in regulations and where it would be unfair or otherwise inappropriate for it to enforce the liability in respect of those arrears.

16. The effect of this will be that the Department may permanently extinguish liability for any arrears of child support maintenance that are of a description set out in the regulations and are not being collected, but have remained on its records.

## **What you told us**

17. Respondents generally welcomed the implementation of the debt management powers contained in the Child Maintenance and Other Payments Act 2008.
18. Stakeholders felt that the implementation of these powers would improve the Department's ability to manage debt, lead to payments being made that would otherwise not have been and provide a way of tackling what is often considered the insurmountable obstacle of high debt.
19. Whilst respondents were broadly supportive of the Government's intended proposals for implementing the debt management powers, there were two key areas where the general consensus was at odds with the approach consulted on.
20. Firstly, respondents felt that when considering accepting an offer of part payment of arrears in full and final satisfaction, the Department should allow non-resident parents to make these part payments in instalments as it was felt not to do so could reduce the effectiveness of the powers.
21. Secondly, the majority of stakeholders felt that the period of 14 days by which the Department would allow clients to make representations as to whether or not arrears should be written off, was unreasonable and instead, a period of a month should be allowed to make representations against what is such an important decision.

## **Additional comments**

22. Further comments received from stakeholders indicated some unease with providing the non-resident parent the ability to request that the Department allocates a part payment to one particular parent with care.
23. Additionally, stakeholders representing parents with care felt that the Department should pass on all offers of part payments from the non-resident parent to the parent with care, regardless of whether the Department felt the offer was reasonable, allowing the parent with care the choice to decide if any offer made was reasonable.

# Part 2 – The Draft Child Support Management of Payments and Arrears (Amendment) Regulations 2012

## Summary of what the regulations propose

**Regulation 1** provides for the coming into force date of the Child Support Management of Payments and Arrears (Amendment) Regulations 2012.

**Regulation 2** provides that regulations 3 and 4 amend the Child Support (Management of Payments and Arrears) Regulations 2009.

**Regulation 3** inserts an additional definition into regulation 2(1) of the Child Support (Management of Payments and Arrears) Regulations 2009, providing that a “Child in Scotland”, means a child who has made an application for a child maintenance calculation under section 7 of the Child Support Act 1991.

**Regulation 4** inserts after Part 4 of the Child Support (Management of Payments and Arrears) Regulations 2009, “Part 4A Part payment of arrears in full and final satisfaction” and new regulations 13A, 13B, 13C, 13D and 13E, and “Part 4B Write off of arrears”, and new regulations 13F, 13G, 13H and 13I.

## Power to accept part payment of arrears in full and final satisfaction

### Regulation 13C: Appropriate consent

#### What the Government proposed

24. Once the power to accept a part payment in full and final satisfaction is commenced, the Department will initially make limited use of it. This is likely to mean only using the part payment power where an offer is received from a non-resident parent or suggested by a parent with care. The Department will not, in the first instance, actively promote part payments.
25. It is intended that this approach will enable the Department to better understand the effectiveness of the power to accept a part payment, before considering whether it is appropriate to use it proactively as a tool for debt negotiation.

26. The Department will be able, within reason, to “broker” agreements between parents. There will be a legal requirement on the Department to obtain the parent with care’s written consent, before accepting any offer of part payment of their arrears in almost all circumstances. The only circumstances where the Department would not require parent with care consent is where all the arrears would be retained by the Department or if the amount of arrears which would be due to the person with care is equal to or less than the payment it has agreed to accept as full and final settlement. The debt owed to the parent with care will always be settled in full, before any monies from a part payment are paid towards debt owed to the Secretary of State.
27. In asking for the parent with care’s written consent, the Department will explain the consequences of accepting an offer of part payment i.e. that the whole amount of their arrears will be legally satisfied by the part payment and the remaining unpaid balance of the debt will be formally extinguished.
28. It should be noted that at the point of consultation, the Commission had not yet been subsumed into the Department. Therefore references will have been made, both in the questions asked and in the stakeholder responses received, to “the Commission”, which was correct at the time.

**Consultation Question 1:** In what circumstances do you think it would be appropriate for the Commission to negotiate with a non-resident parent for a part payment to be made as full and final satisfaction of their whole child maintenance arrears?

### What you said

“Where a full range of appropriate enforcement action has been considered and properly pursued - including deduction from earnings orders; direct deductions from a bank account; liability orders and bailiff action, withholding of passports or a driving licence; and consideration of a third party debt order, for example, where a NRP is owed a tax refund.”

- **Gingerbread**

“Where the level of arrears owed clearly outstrips the non-resident parent’s capacity to realistically repay the arrears whilst continuing to make regular maintenance payments. Where the non-resident parent’s capacity to repay the full arrears total has been drastically and permanently limited (through, for instance, disability).”

- **Families Need Fathers**

“Where sufficient grounds are evident, particularly where admissions are made by the Agency regarding their involvement in the creation of debt, such cases should also be considered for possible Part Payment agreements.”

- **NACSA**



“Providing the parent with care is fully aware of the implications that this would have to their case.”

- **Individual response**

### **How the Government will take this forward**

29. Having considered the representations made by stakeholders, the Department will (as proposed in the consultation) not proactively solicit for offers of part payment following initial implementation of the powers.

30. Where an offer is received from a non-resident parent or suggested by a parent with care for part payment of arrears in full and final satisfaction, the Department will give particular consideration to the likely success of any continued enforcement action for the full arrears amount and the non-resident parent’s ability to clear the full debt balance. Before negotiating with a non-resident parent on part payment full consideration of all the circumstances of the case will be taken into account.

31. The Department may decide where offers for part payment are received from a non-resident parent, to insist on the full amount of the arrears being paid where it is clear the non-resident parent has the ability to pay the full amount and there is a reasonable prospect of recovering it.

**Consultation Question 2:** Do you think it is appropriate that a part payment may only be accepted when it is paid as a lump sum?

### **What you said**

“The requirement that part payment may only be accepted as a single lump sum may unnecessarily limit the number of cases the Commission is able to settle, with little benefit accrued for the families involved.”

- **Families Need Fathers**

“A degree of flexibility is surely required to ensure that the non-resident parent meets his/her obligations to the full extent they are able. This might involve making an agreement for a series of substantial payments over a period, rather than just one lump sum.”

- **Gingerbread**

“Resolution suggests that it would be wrong to limit arrears agreements to lump sum arrangements. An agreement could no doubt be made where a series of lump sums were made over a period. Settlement of the arrears would be conditional on the payment in full.”

- **Resolution**

## How the Government will take this forward

32. While it was the Government's intention that part payment of arrears in full and final satisfaction would only be accepted if made by way of lump sum (as reflected in the draft regulations consulted on); the overwhelming opinion of stakeholders made clear they felt that it was to the benefit of the parent with care and qualifying children to accept part payment of arrears by way of instalments in certain circumstances.

33. The Department will therefore take action to develop a system to manage part payment by instalment across existing and new child maintenance schemes and develop processes to ensure that in the future, part payments can be accepted by way of instalments in appropriate circumstances.

34. However, rather than delay the introduction of the powers and the benefit that can be made from them now, we will introduce the regulations as originally planned and then once this further work is completed and the required system changes have been made, the Government will bring forward further regulations to reflect this change.

**Consultation Question 3:** What factors do you think the Commission should take into consideration when deciding whether or not a part payment offer is reasonable?

## What you said

"The Commission should consider such factors as earned and unearned income, savings and assets of the non-resident parent when determining whether or not a part payment offer is reasonable [...] It should also be recognised that maintaining and ongoing relationship with children following family breakdown can involve significant cost."

- **Families Need Fathers**

"The non-resident parent's full income; whether the non-resident parent has other dependents e.g. from a second marriage."

- **Northern Ireland assembly – Committee for Social Development**

"This will largely depend on a searching appraisal of the non-resident parent's full income (including income from self-employment, from a private company which the NRP has control over or from a partnership) and any assets (see above). Also relevant will be the future prospects of the NRP paying off the debt."

- **Gingerbread**

"How long the debt has existed – what the current income of the non-resident parent is currently and whether s/he has worked in the last five years i.e. is it likely to work again. How much the debt is and how long it would take to repay, given the NRP current income the parent with care is fully aware of the implications that this would have to their case."

- **Individual response**

### How the Government will take this forward

35. The majority of stakeholders were strongly of the view that a wide range of factors should be taken into consideration by the Department when deciding whether or not a part payment offer is reasonable.
36. The Government will therefore maintain its originally intended approach and will ensure that when deciding whether or not an offer of part payment is reasonable, it takes into account of all the circumstances of the case including, but not limited to, the welfare of any child likely to be affected by use of the powers, likelihood of success of further enforcement action, amount of debt owed, financial means of the non-resident parent and any other arrangements for child maintenance that are in place. Caseworkers will also consider any views previously provided by parents with care that may be relevant.
37. This approach will enable the Department to make a fully considered decision as to the reasonableness of any offer, before such an offer is passed on to the parent with care.

**Consultation Question 4:** Do you think it is right for the Commission not to contact a parent with care if the part payment offered by the non-resident is clearly unreasonable given his or her current circumstances?

### What you said

“No. NACSA do not believe there are any circumstances that would warrant Part Payment offers being withheld from the PWC. The decision to accept or reject any offer should be that of the PWC, and not the Commission.”

- **NACSA**

“We agree that if the Commission finds the offer of part payment to be clearly unreasonable then it would be in neither the best interests of the Commission or the family involved to pursue the offer further. It should though be explained clearly to the non-resident parent why the part payment offer has been found to be unreasonable, and whether and how a new offer could be made.”

- **Families Need Fathers**

“It would be preferable for the Commission to inform the parent with care of any offer of part payment from the non-resident parent, but— where appropriate – with notice that it considers that the offer is unreasonable; the reasons why; and what further action it intends to take in the circumstances.”

- **Gingerbread**

“Yes, the Commission should have the right not to contact the PWC if contacting may inflame the situation and cause more bad feeling in the children’s lives.”

- **Individual response**

### **How the Government will take this forward**

38. Respondents had mixed views as to whether or not the Department should pass on clearly unreasonable offers made by non-resident parents to parents with care.
39. The Government believes that, due to the information available to it, the Department is best placed to understand the non-resident parent's ability to pay their arrears and the likelihood of success of any further enforcement action and therefore to decide, in the first instance, whether a part payment offer is reasonable.
40. Therefore the approach outlined in the consultation document will be taken forward. The Department will reserve the right not to contact the parent with care with a part payment offer where it believes the offer to be clearly unreasonable, given the non-resident parent's current circumstances. However, in giving consideration to any offers received, caseworkers will also consider any views previously provided by parents with care that may be relevant.
41. In some cases, the Department may insist on the full amount of the arrears being paid where it is clear the non-resident parent has the ability to pay that amount and believes that there is a reasonable prospect of recovering it.

### **Regulation 13B: Amounts owed to different persons to be treated separately**

#### **What the Government proposed**

42. Where a non-resident parent has multiple parents with care and offers a part payment in full and final satisfaction of their child maintenance arrears, they will be able to request that the Department allocates this to one particular parent with care and the Department will facilitate such a request.
43. Should the non-resident parent state no preference for which of their parents with care is to receive the part payment, the Department will calculate an apportionment between all the relevant parents with care, based on the portion of the total arrears due to each.
44. In the event that one or more of the parents with care concerned rejects the offer of part payment, as long as the non-resident parent is still willing to make the same or some other level of part payment, the Department will have the discretion to apportion the part payment between those parents with care who have accepted the offer.

**Consultation Question 5:** Do you think it is right for the Commission to manage part payments in multiple cases in this way? If not, can you suggest an alternative approach?

### What you said

“Gingerbread does not agree with the proposal to allow the non-resident parent who has failed to pay maintenance to his/her children to determine which children will benefit from an offer of part payment of arrears in full and final satisfaction of the debt owing to them.”

- **Gingerbread**

“The management of Part Payments in multiple cases as described seems to be a perfectly acceptable manner and we would have no objection to this process being adopted.”

- **NACSA**

“We agree that the proposal to manage part payments in multiple cases as suggested by the Commission is the most appropriate approach.”

- **Families Need Fathers**

“While the Committee can see an advantage to allowing the non-resident parent to request that the Department allocate the part payment to one particular parent with care this would appear to disadvantage the other parent(s) and children. The fact that arrears owed to other parent(s) would remain outstanding does not negate this in any way.”

- **Northern Ireland assembly – Committee for Social Development**

“Yes I feel it is fair for the Commission to manage part-payment in multiple cases in this way.”

- **Individual response**

### How the Government will take this forward

45. Again, respondents held mixed views as to how the Department should approach this scenario.

46. Having considered the responses, the Government believes that the ability to accept a part payment for one parent with care, when the non-resident parent requests this, will help achieve the policy aim of ensuring money flows to children in cases where it otherwise may not have done. To refuse to give effect to the non-resident parent’s preference in these circumstances could jeopardise the part payment offer completely and risk no money being paid at all.

47. The Department will make clear to the non-resident parent that the obligation to make and keep to an arrears agreement for debt outstanding in any other case remains and the Department will continue to pursue those outstanding arrears.
48. Should the non-resident parent state no preference for which parent with care is to receive the part payment (and indeed, the Department will not invite the non-resident parent to express such a preference), the Department will calculate an apportionment between all the relevant parents with care (based on the portion of the total arrears due to each). The actual amount being offered to each parent with care will be included in any written offer sent to them by the Department. The parents with care will therefore know in advance how much of the part payment they will receive should they agree.
49. This approach will allow parents with care to make an informed choice on whether to accept part payment in final satisfaction of the whole arrears amount owed to them.
50. In the event that one or more of the parents with care concerned rejects the offer of part payment, as long as the non-resident parent is still willing to make the same or some other level of part payment, the Department will have the discretion to apportion the part payment between those parents with care who have accepted the offer. This will be on the basis that the arrears due to those parents with care who have rejected the offer remain outstanding and will be pursued by the Department. The Department will make this clear in its written correspondence to all the relevant parties.

## Power to write off arrears

### **Regulation 13G: Circumstances in which the Commission may exercise the power in Section 41E of the 1991 Act**

#### **What the Government proposed**

51. The Government proposed to consider the write off of arrears of maintenance owed to parents with care in the following circumstances, where it decides that it would be unfair and inappropriate to collect those arrears:-

#### **The parent with care no longer wants the Secretary of State to collect the arrears:**

52. The Government proposed to contact parents with care who are owed arrears, but do not receive ongoing maintenance through the Child Support Agency because, for example, they no longer have dependant children in their household or they receive maintenance directly from the non-resident parent, to see whether they want the Department to stop pursuing those arrears.

53. The parent with care would be made fully aware of the implication of writing off their arrears and they would be asked to confirm their consent in writing. If they do not confirm their consent, the Department will not write off the arrears.

**The parent with care has died:**

54. The Department proposed to write off arrears where the parent with care has died and an executor or administrator cannot be identified. In these cases it would be futile to enforce payment of the arrears, as there would be no person with a legal entitlement to receive the arrears if they were collected.

**The non-resident parent has died:**

55. From 25 January 2010, the Department has had the power to seek recovery of arrears from a deceased non-resident parent's estate. Before this legislative power existed, liability for child support maintenance was a personal liability and therefore ceased when the non-resident parent died.

56. Where a non-resident parent died before the power to recover arrears from estates came into force, or where the Department has attempted to recover the arrears from the estate, but has been unable to do so, the Department has no further method to pursue payment. It is proposed that arrears should be written off in such circumstances.

**Arrears accrued from an Interim Maintenance Assessment (IMA) between 1993 and 1995:**

57. IMAs were a feature of the statutory maintenance scheme introduced in 1993. They are essentially a penalty assessment, imposed because a non-resident parent failed to provide the information needed to make a full maintenance assessment. IMAs were intended to encourage non-resident parents to supply information they had previously failed to give.

58. The Government proposed that IMA arrears accrued between 1993 and 1995 may be written off.

**The Secretary of State has advised the non-resident parent that recovery of the arrears has been permanently suspended:**

59. Where the Department has previously taken the decision to permanently suspend arrears and has informed the non-resident parent of this, the new write off power will be used to extinguish the arrears from the Department's records.

60. In the draft regulations which are to be laid in Parliament, this circumstance has been slightly amended to read "the Secretary of State has informed the non-resident parent that no further action would ever be taken to recover the arrears". This amendment was made as it was felt the original wording was not broad enough to cover all the circumstances it is envisaged to, however the fundamental principle remains the same.

**Consultation Question 6:** How long do you think the Commission should wait after writing to the deceased parent with care's last known address before writing off the arrears owed to them?

### What you said

"We do not support a 14 day waiting period for a response to be forthcoming from any family member or representative of the deceased. The family of the deceased is likely to have a number of matters to deal with, including the possible adjustments necessary to accommodate the children of the PWC. This may all coincide with the grieving process which may be ongoing at the point of contact.

It is unrealistic, not to mention insensitive, to expect a response within such a short space of time, and it would be inappropriate to extinguish debts on the basis that no response was received following that initial contact."

- **NACSA**

"Sending a letter to the last address of the deceased parent with care is a very uncertain and inappropriate route to find out the deceased's executor or personal representative. There should be an obligation on the Commission to carry out the appropriate searches at the Probate Registry to find out the relevant details."

- **Gingerbread**

"This will be a sensitive time, and in addition to dealing with received correspondence, the person charged with organising the deceased parent with care's personal estate will have a large amount of documentation to arrange. We believe that one month would be an appropriate amount of time to allow after writing to the deceased person's last known address before the arrears owed are written off."

- **Families Need Fathers**

### How the Government will take this forward

61. It is clear from the responses received that stakeholders felt that although the Government did not propose a specific timescale, a period of 14 days would be too short a period, given the sensitive circumstances involved. In order to address stakeholder concerns the Government has decided to set the period that the Department should wait after writing to the deceased parent with care's last known address before writing off the arrears owed to them at 30 days.

62. Certain stakeholders also raised concerns about the Department's ability to trace an executor or administrator and that the resources to do this would be limited to the Department's own computer systems. This is not the case, in the event of a parent with care's death; the Department will work with colleagues in DWP to access the Probate database, to identify an executor or administrator.



63. Where an executor is identified through this, a written notification will be sent to that individual advising them that, as the parent with care has died, the Department intends to write off the arrears. If no response is received to this notification after the 30 day representation period, the Department will write off the arrears owed to the deceased parent with care.

64. The Department will make all reasonable efforts to locate the executor of the estate. However, if the Department is unable to identify an executor or administrator; it will instead send written notification of the intention to write off to the last known address of the parent with care.

65. Then, as proposed in the consultation document, if no response is received to this letter after the 30 day representation period, or a response is received that does not impact on the decision to write off, the Department will write off the arrears.

**Question 7:** Are there any other circumstances where it would be unfair or otherwise inappropriate for the Commission to enforce payment of child maintenance arrears?

### What you said

“If a non-resident parent were to become permanently disabled so that they were unable to work in the long term, it would be inappropriate and futile for the Commission to enforce payment of child maintenance arrears where there was no reasonable chance of it being paid due to such permanent changes in circumstance.”

**- Families Need Fathers**

“We do not accept as a matter of principle that the 1993 to 1995 old IMA cases are necessarily appropriate for write off. We do not know whether the number of cases and the figures involved are significant. However the simple non applicability of the rule in Boyle is not a reason for refusing to enforce these cases. The general rule should apply which is that it is a matter for the PWC’s decision.”

**- Resolution**

“We suggest that, if there are circumstances other than those outlined in the regulations, where the Commission proposes to exercise its discretion not to pursue child maintenance arrears (i.e. falling short of formally writing off the arrears in the prescribed situations outlined in the consultation), it should notify the parent with care as to the reasons why it considers it would be unfair or inappropriate for it to enforce payment – and to invite representations on the matter within 28 days.”

**- Gingerbread**

### How the Government will take this forward

66. Respondents held very mixed views in relation to this question, with some feeling that there are no further circumstances where it would be appropriate to write off arrears and others feeling more consideration should be given to how the arrears accrued.

67. On consideration of the responses received, the Government is of the view that there are no additional circumstances where it would be entirely unfair or otherwise inappropriate to collect the debt accrued.

68. While the Government appreciates and has fully considered the suggestions made by stakeholders, the list of circumstances proposed in the consultation will remain.

### **Regulation 13H: Secretary of State required to give notice**

**Consultation Question 8:** Do you think that 14 days is reasonable period to allow both parents to make representation to the Commission as to whether the arrears should be written off?

#### **What you said**

“Under these circumstances 14 days would appear to be a reasonable timeframe for representations to be made before writing off arrears.”

**- Northern Ireland Assembly: Committee for Social Development**

“Gingerbread welcomes the Commission’s proposal to notify both parents of its intention to write off arrears, and to invite representations. However, we suggest a period of 28 days to make representations would be more reasonable, given the seriousness of writing off legal liabilities for the financial maintenance a child.”

**- Gingerbread**

“Think that it should be a month as would need time to seek advice from Agency like the Citizens Advice Bureau before they make decision.”

**- Individual**

“It may take some time for parents to write a detailed letter and to gather any information they need to support their case. 14 day notice periods can be difficult as they do not allow sufficient time for legitimate delays such as two weeks away from home on annual leave, postal delays and illness. We propose one month as a suitable time period to allow both parents to make representations.”

**- Families Need Fathers**

### **How the Government will take this forward**

69. Again respondents held mixed views in relation to this question; however, almost all respondents felt that the draft legislative requirement to allow persons 14 days in order to make representations was too short a period.
70. In response to this feedback the Government has amended the draft regulations to allow for an increased 30 day period in which to allow representations in all circumstances of proposed write off.

## Part 3 – Next steps

### Working together

71. We would like to thank our stakeholders for their valuable input and we will continue to involve them going forward as we look to commence Sections 32 and 33 of the Child Maintenance and Other Payments Act 2008 and make the Child Support Management of Payments and Arrears (Amendment) Regulations 2012.

### Legislative process

72. The draft Regulations will be laid before Parliament and debated. It is the Government's intention that they will come into force late 2012, subject to Parliamentary approval.

73. As explained earlier in this document, the changes we will make enabling part payment to be made by way of instalment require updates to be made to the Secretary of State's computer systems and further consideration to be given to how such an approach could effectively and fairly work in practice.

74. Once this further work has been undertaken and system updates have been made, the Government will bring forward further regulations, to implement this change.

# Annex A – List of organisations responding to the consultation

Gingerbread

Families Need Fathers

Resolution

The National Association for Child Support Action (NACSA)

Northern Ireland Assembly: Committee for Social Development

The Public and Commercial Services Union (PCS)