

Equality impact assessment

Strengthening families, promoting
parental responsibility: the future of child
maintenance

13 January 2010

Equality impact assessment for “Strengthening families, promoting parental responsibility: the future of child maintenance”

1. Introduction

The Department for Work and Pensions (DWP) and its non-departmental public body, the Child Maintenance and Enforcement Commission (CMEC), have carried out an equality impact assessment on the proposed strategic direction for the child maintenance system set out in the consultation “Strengthening families, promoting parental responsibility: the future of child maintenance”. This will help ensure that:

- the Department’s strategies, policies and services are free from discrimination;
- due regard is given to equality in decision making and subsequent processes; and
- opportunities for promoting equality are identified.

The aim is to ensure that implications for equality are appropriately assessed and to provide assurance that any changes needed to mitigate potential adverse impacts have been identified.

The consultation is the starting-point for reform: it sets out the Coalition Government’s vision for re-shaping the child maintenance system to better align it with the Government’s objectives for supporting and strengthening families, and encouraging separating families to recognise the ongoing responsibility for their children. This equality impact assessment provides an assessment of the impacts of the approach to reform set out in the consultation. This document will be updated as policy proposals progress.

This equality impact assessment considers the potential impact of the proposed policies in terms of gender, disability, age and race. In some areas equality data is limited so the Government cannot say with certainty how some groups covered by equality laws would be affected. For example, there is currently insufficient data to consider impacts by sexual orientation, maternity/pregnancy, and religion/belief. The Government are considering the best ways to improve data on these issues.

2. Purpose and aims of Child Maintenance Reforms

The Coalition Government is committed to supporting and strengthening families and improving the life chances of children and adults. Where parents do not live together, ongoing involvement of both parents in children's lives, where possible, is in the best interests of children. As such, the Government wants to support parents to reach family-based arrangements for child maintenance. This requires a re-shaping of the child maintenance system in the context of the wider support provided to separating and separated families. The policy objectives of reform are as follows:

- to encourage separating parents to seek early advice and support;
- to encourage separating parents to recognise the ongoing responsibility for their children and the consequences of family breakdown both financially and for their relationships, and the impact separation has on their children;
- to support and empower those parents who can to make their own collaborative family-based arrangements to do so, while recognising that for some parents collaboration is not possible or appropriate; and
- to deliver a more efficient statutory service for those who need it and to provide greater value for money for the tax-payer

Policy Summary

The Coalition Government is committed to strengthening families and to encouraging shared parenting. The child maintenance system needs to be re-shaped to better align it with these objectives. The programme of reform outlined in the consultation "Strengthening families, promoting parental responsibility: the future of child maintenance" is intended to support parents to move away from a system where conflict is entrenched, to a new collaborative approach where parents take responsibility for making their own arrangements for child maintenance wherever possible. The State's involvement through the statutory child maintenance system (currently the Child Support Agency) needs to be focussed on those parents who are not able to come to their own arrangement. Intervention is required to integrate information and support services available to separating parents and to alter the statutory maintenance system so that parents consider collaborative family-based arrangements in the first instance.

To address individual components of policy proposals:

Integrating support services – to support families who are separating to seek support, collaborate and reach a family-based arrangement. Families may require information and support on a range of issues they face when separating. Currently this information and support is provided in a way that can be difficult to navigate at an emotional time. The Department envisages that, working with other Government departments and the voluntary sector, joining up these services will make it easier for more parents to find the support they need, enabling them to resolve issues and so to make their own effective child maintenance arrangements.

There are existing examples of such integration taking place at the local level. The Government will look to draw on the expertise of the voluntary and community sector to develop proposals for how best this could be done more widely. Different models

will work better in different localities, the role of Government will be to facilitate this process.

Gateway – to make it a pre-condition for an applicant to the statutory maintenance service to contact the gateway to the statutory service to explore the possibility of being supported to make a family-based maintenance agreement. This allows better informed decision making by families and supports the principle that family-based arrangements, where feasible, generally provide better outcomes for children.

Calculation only service – enables parents to apply for a maintenance calculation based on statutory rules (subject to a £20-25 charge) but without that figure becoming a liability managed by the statutory service as is currently the case. The intention is this will help facilitate an increased number of family-based arrangements outside the statutory service.

Charging – charges are intended to encourage parents to take greater responsibility in decision-making, through increased consideration of family-based arrangements, whilst providing appropriate value for money to the taxpayer.

The following charges are proposed:

- An upfront application charge of around £100 to be paid by the applicant.
- A total application charge for parents on benefits in the range of £50 with £20 of this paid upfront and the remainder paid in instalments. The instalments for the application only become payable where maintenance is in payment. Therefore a parent on benefit who applies will never pay more than the upfront charge of £20 if no maintenance is received from the application.
- A charge of £20-25 for the calculation only service to be paid by the applicant.
- A collection surcharge (on top of maintenance to be paid) of between 15 per cent and 20 per cent to be paid by the non-resident parent.
- A collection deduction charge (retained from maintenance collected for the parent with care) of between 7 per cent and 12 per cent.
- Charge on the non-resident parent when enforcement measures (e.g. an order of sale for property) need to be used because of non-compliance.

Maintenance Direct Policy – the Government will seek to change primary legislation to allow the non-resident parent to choose to take the case to maintenance direct. This will allow both parents to avoid paying an ongoing charge as long as the non-resident parent is prepared to pay through maintenance direct on time and in full. Currently both parents need to agree to use maintenance direct. This is intended to incentivise compliance and collaboration between families and therefore parental responsibility.

Closure of current CSA cases – the Government will launch the future child maintenance statutory service in 2012, and operate for new applicants only, for a period of at least six months. Once the Government are satisfied that systems are running appropriately, the approximate 1.2 million cases on current statutory child maintenance systems will be closed in a carefully managed way over a two year period. The process of closing existing cases will provide an opportunity for parents to once again consider the most appropriate arrangement for them and their children. It will offer choice to all parents so that those who can collaborate and manage their maintenance arrangements themselves will be helped to do so. Those who can't will be able to access the new, more efficient statutory service.

In summer 2011 the Commission will consult on the detail of this process and the order in which cases will be processed for closure. Current thinking is as follows:

- The Government will write to parents with care to tell them that their CSA cases will be closing three months before the case closure date. At the same time they will be given details of the gateway process and provided with information about the options open to them to support them in making a decision about the future, which may include an application to the future scheme. Special attention will be paid to supporting vulnerable families through this process, building on referral arrangements already in place with Jobcentre Plus and Her Majesty's Revenue and Customs to ensure that vulnerable families get the support they need.
- One month before the CSA case closes the Commission will write to both the parent with care and the non-resident parent to confirm the case closure date and to remind them of the support available and the application process for the future scheme if either of them wishes to apply.

3. Consultation and involvement

The consultation “Strengthening families, promoting parental responsibility: the future of child maintenance” launches the formal consultation on proposals to reform the child maintenance system and strengthen support for families experiencing separation. In developing the proposals in the consultation to further join-up services families need around separation, a number of stakeholders have been consulted. This includes voluntary and community sector organisations as well as other Government departments whose policy areas support families.

A roundtable event to discuss the possible integration of information and support services for separating and separated families was chaired by Maria Miller MP, Minister for Disabled People with responsibility for child maintenance, on 18 November 2010. This event specifically focused on proposals outlined in Chapter 1 of the consultation – discussing the support separating and separated families need and how this can best be provided. This was attended by voluntary and community sector organisations who have interest and expertise in providing support to these families. Attendees included those who represent the interests of mothers and fathers as well as grandparents and helped inform initial proposals. The event was also attended by officials from the Ministry of Justice, Department for Education and Cabinet Office as these proposals are being developed in conjunction with those who have relevant knowledge across Government.

A number of questions are posed throughout the consultation and responses to this strategic vision have been invited. The consultation period will run for a 12 week period until 7 April 2011. All individuals and groups are invited to respond. It is the Government’s intention that workshops will be run with voluntary and community sector organisations to further develop the proposals to join up the support that separating families need. To ensure the policy is non-discriminatory the Government plan to approach stakeholder groups to ensure that the views of both mothers and fathers are represented. The Government will also seek to ensure that views of ethnic minority groups and disabled people are sought so that any particular support these groups may need is considered and worked into the Government’s proposals as they develop.

Once the consultation period closes the Government intend to analyse the responses, publish a response to the consultation, and will then look to further develop policies in light of the responses received.

4. Impact of the reforms

Commitment to Diversity and Equality

The Child Maintenance and Enforcement Commission value diversity and recognise the importance of ensuring that statutory child maintenance services are accessible to all potential clients.

To ensure that staff have understood what is needed to help clients with diverse needs and to support the equality duties, learning sessions have been delivered across the organisation. People learn in a number of ways: in a classroom style situation; using the internal intranet to work through learning materials, and learning from others. Some learning sessions are mandatory, for instance:

Training was provided in the disability and gender equality duties in 2006/7 to coincide with the new legislation. All new employees have since been trained.

Introduction to the diversity of client groups as part of induction training. These sessions have covered issues that are faced by each of the groups, for example: gender stereotyping; myths, attitudes and beliefs; race relations; cultural confidence and minority groups, etc.

Raising awareness through internal national network groups (Disability, Gender, Race, Age, Sexual Orientation, Work Life Balance). These groups are sponsored by national directors and they meet regularly to promote awareness, discuss issues of concern and to share good practice. Events are held to raise the profile of diversity and to role model appropriate behaviour for example a 'Diversity Week' is held each year.

Further, Liaison Officers work at each of the CSA centres to raise awareness of the statutory child maintenance service within ethnic minority communities to ensure the improvement of service delivery and policy development for those groups. The Liaison Officers play a key role within the client service outreach approach and have engaged with ethnic minority communities to ensure that there are no barriers to access to services and to identify improvements to enhance the customer service the Commission can provide to clients. Specifically, officers facilitate the identification of barriers within ethnic minority communities and seek feedback in order to provide a better understanding of the client base and thereby ensure that clients' diverse needs have been taken into account by the Agency.

Methodology

This equality impact assessment looks at how future changes to child maintenance policy will impact on people with protected characteristics under the Equality Act 2010.

The equality impact assessment takes each of the following protected characteristics in turn, to identify the impact of how each of the proposed policy changes impact (if at all):

- Gender (including transgender)
- Race
- Disability
- Age

The aim of this analysis is to identify whether those with protected characteristics are disproportionately affected by the new proposed policies, highlight any negative impacts and mitigate against them. As the policy changes outlined in the consultation would impact on the entire child maintenance population and those potentially falling within this population in future, this equality impact assessment looks primarily to identify whether the proportion of those with protected characteristics in the caseload differs significantly from the proportion in the wider population.

The key sources of data used are:

- **CSA administrative data** - for information on the caseload which the Government records for protected groups (e.g. gender)
- **Relationship separation and child support study 2008 (RSS) and Families and Children Study 2010 (FACS)**¹ - for information on the caseload which is not recorded by administrative data (e.g. ethnicity, disability status).

These latter studies use survey data carried out by external survey organisations and commissioned by DWP. As with all survey data, confidence in the accuracy of findings is lower than for complete administrative data. However, the studies provide the best evidence available on these characteristics for the caseload.

As previously, the Government invites contributions via this consultation on possible equality impacts of the policies.

¹ Results from the Family Resources Survey are not included, given reservations around how results from this study compare with known results from CSA administrative data. Further, there are significant difficulties in accurately identifying all respondents to this survey with a child maintenance interest.

Gender

Statistics

Of the current statutory child maintenance service caseload, 95 per cent of parents with care are female. A similar proportion of non-resident parents are male. Results from the Families and Children Study suggest that for the overall eligible population the proportion of parents with care who are female is closer to 97 per cent².

Impacts

Clearly there is a significant gender imbalance across both the parent with care and non-resident parent groups.

Looking to individual aspects of the policy proposals and their possible equality impacts:

Integrating available support services – it is the Government's intention that integrating support services that help families reach agreements without resorting to the statutory service will make it easier for both men and women to access the support they need to make a family-based arrangement. Specifically the Government recognises that information and support should be available through a range of channels so that men and women can access the information and support they need in a format that suits them. The Government will look to draw on the expertise of groups that represent both mothers and fathers during the consultation period.

Gateway – the Government does not anticipate any negative equality impacts from this policy. The purpose of the gateway is to ensure all parents wishing to access the statutory child maintenance system have considered the range of their child maintenance options and can be directed into support to enable them to make their own arrangements where appropriate.

Calculation only service – the Government do not anticipate any negative gender equality impacts from this policy and envisage this service will be used where collaboration between parents is possible and therefore the availability of this service is of benefit to both the parent with care and the non-resident parent.

Charging – Financial impacts of charging will fall across both non-resident parents and parents with care. Both parents can avoid paying collection charges altogether if they use maintenance direct. These charges are intended to encourage both parents towards making their own family-based child maintenance arrangements wherever possible.

The impact of the application charge and the collection charge need to be viewed together to assess the gender impact. The application charge will fall more heavily on parents with care as policy is that such charges fall to the individual applying for the service. We know from income surveys including the Households Below Average Income series that families with children, particularly lone-parent families, are more likely to be in low income households. To help mitigate against disproportionate

² To note – there may be issues with small samples sizes for numbers of male parent with care respondents.

negative financial impacts, a lower, and phased, upfront application charge for those on benefits is proposed.

Charges for collection and enforcement will fall more heavily on non-resident parents in order to encourage compliance. These charges vary in line with maintenance liabilities which are strongly associated with income for non-resident parents and therefore ability to pay.

As outlined in the consultation, victims of domestic violence will be exempt from the application charge. Whilst there are significant difficulties in measuring the extent and nature of domestic violence, evidence indicates that, in the majority of cases, the victim is female (although in a significant minority of cases the victim is male)³. There is, however, no clear evidence to suggest that incidences of domestic violence are more or less prevalent within the eligible child maintenance population.

Currently the Government do not anticipate any negative equality impacts from this policy, but will look to draw on the expertise of groups representing both mothers and fathers during the consultation period. This equality impact assessment will be updated as appropriate as policy proposals are developed.

Maintenance Direct Policy – the reforms allow non-resident parents to agree a Maintenance Direct arrangement without the parent with care's consent. This along with the proposed collection surcharge on the non-resident parent (where they don't use Maintenance Direct) is intended to encourage and reward compliance and therefore parental responsibility. Where the non-resident parent chooses Maintenance Direct and does not make payments as scheduled the Government will move swiftly to bring the case back to the collection service and take appropriate enforcement action.

An alternative where the parent with care requests Maintenance Direct without the non-resident parent's consent is unworkable if the non-resident parent fails to pay. It is an inherent feature of the child maintenance system that where the non-resident parent is unwilling to pay maintenance voluntarily the full statutory collection service must be used.

Closure of existing CSA cases – as part of plans to close current child maintenance cases from 2012 the Government propose to write to the parent with care three months prior to closure, and to both parents one month before closure. Whilst this creates an imbalance between parents with regards to information on the status of their statutory case, the Government feel this is justified by the fact that in the vast majority of cases the parent with care will be the applicant to the statutory service and will need sufficient time to review their options prior to engaging in discussion, where feasible, with the non-resident parent.

On issues of gender reassignment – whilst the Government has been unable to source appropriate statistics relating to the population of interest, these reforms are not expected to impact disproportionately on these protected groups.

³ <http://www.parliament.uk/briefingpapers/commons/lib/research/briefings/snsg-00950.pdf>

Race

Statistics

Proportions across ethnic origin groups are largely consistent across both parents with care and non-resident parents, and both within the statutory child maintenance service caseload and the wider eligible population, with the overwhelming majority of separated parents of white ethnic origin (between 88 per cent and 91 per cent). These results are broadly in line with the overall characteristics of the British population (based on results from the 2001 Census), with the possible exception of Black African and Caribbean groups being disproportionately represented in the population of interest.

Impacts

Given the nature of policy proposals, and results on the make-up of population outlined above, the Government does not expect a disproportionate effect on those with protected characteristics.

There are, however, potentially significant issues across several of the policy reforms outlined in the consultation around how people engage with services where parents are non-English speakers.

As regards integrating services that support families to make family-based arrangements, the Government will look to consult on how best to ensure people of all ethnic groups can access and utilise information and support. Many organisations already support these groups and the Government will look to draw on their expertise.

In addition to the call-centre, spoken language translation services can be requested for telephone and face-to-face communications. There will be a Welsh language version of the self service portal.

Crucial to offering various different communications is advertising their existence and ensuring that potential customers can request different formats and methods of communication. Ethnic community groups will need to be engaged to explain the service that is offered, how to use it and what the alternatives are. Key to the work with these groups will be learning how best to engage with the communities they represent and provide information about the services available in the most effective way. This will be part of the Government's consultation exercises.

Disability

Statistics

The definition of disability for the purposes of equality impact assessment is now that contained in the Equality Act 2010, and was previously that defined by the Disability Discrimination Act.

The Child Support Agency does not collect information as standard on the disability status of clients. As such we are reliant on survey data for analysis. The self-reporting of disability status in these surveys means that results here can only be taken as indicative.

Results from the Families and Children Study⁴ indicate that around 28 per cent of individuals who report having a statutory child maintenance arrangement in place also report having a long standing limiting illness⁵. This compares to around 25 per cent of individuals who are eligible for child maintenance but do not have a statutory child maintenance arrangement and around 19 per cent of individuals from families without a child maintenance interest.

The Office for Disability Issues estimates that around one in five of the Great British adult population has a limiting long term illness, impairment or disability⁶.

Impacts

There is limited evidence that those within the child maintenance population may be more likely to have a long standing limiting illness and, therefore, that these protected groups may be disproportionately affected by changes in child maintenance policies, though not substantially so. At present the Government does not believe that the policy changes as outlined in the consultation will impact negatively upon these groups.

There are potentially significant issues around how people engage with services. To mitigate, in addition to the call-centre, online services and written communications the future child maintenance statutory service will offer the following services:

- Plain English adopted in all written correspondence, forms and leaflets
- Braille or large size print options may be selected for all correspondence, forms and leaflets.
- Audio tapes, CD or DVDs available for standard leaflets.
- Textphone/Typetalk service.
- Face-to-face meetings may be available on request in certain accessible sites with the option to appoint a representative to act on the customer's behalf and British sign interpretation available on request.
- Internet based self-service portal compliant with W3C coding standards and WAI Priority 2 Accessibility Criteria.

⁴ As discussed previously, usage of results from the Family Resources Survey in speaking to the eligible child maintenance population is problematic.

⁵ Generally, this study tries to use the "mother figure" as the main respondent. Given the large proportion of female parents with care in the child maintenance population results are taken to be broadly indicative of results for parents with care.

⁶ Family Resource Survey 2008/09

As previously, efforts will need to be taken to ensure that the existence of these services is appropriately advertised and that clients' communication preferences are correctly captured. In developing proposals to integrate information and support for families to come to their own arrangements, the Government will look to see how the services listed above could be integrated.

Age

Statistics

Results in Table 1 below give a breakdown of parents' ages within the statutory service. Table 2 gives results for parents with care from the Families and Children Study⁷ across the statutory and wider population (Note: these do not fully align with results in Table 1⁸). Equivalent statistics are unavailable for non-resident parents.

Table 1: Statutory Service – Age Distribution

Age	Statutory Parents with Care	Statutory Non-Resident Parents
Under 20	0%	0%
20-24	6%	3%
25-29	12%	9%
30-34	16%	13%
35-39	21%	19%
40-44	22%	23%
45-49	15%	18%
50-54	6%	9%
55+	3%	5%

⁷ This study generally uses the mother as the main respondent. Given the large proportion of female parents with care in the child maintenance population results are taken to be broadly indicative of results for parents with care.

⁸ In both tables figures are rounded to the nearest whole percentage point. As a result figures may not sum to 100 per cent and estimates of 0 per cent should not necessarily be interpreted as showing no membership for the relevant group.

Table 2: Wider Population – Age Distribution

Parent with Care Age	Statutory Population	Eligible Population	Non-eligible Families
Under 20	1%	2%	0%
20-24	9%	10%	3%
25-29	12%	11%	9%
30-34	16%	14%	17%
35-39	22%	22%	23%
40-44	25%	22%	23%
45-49	11%	13%	15%
50-54	4%	5%	7%
55+	1%	1%	1%

These results show that the age profile of parents with care within the eligible child maintenance population is generally lower than respondents in the wider population of families with no child maintenance interest. Individuals with a child maintenance interest are more likely to be aged under 25. There is very little difference between the statutory and overall eligible population groups.

Impacts

Whilst the age profile of parents with care appears slightly lower than the overall population the Government does not anticipate any disproportion negative impacts on this group as a result of these reforms. Similarly, whilst the Government cannot source appropriate statistics for a comparator group for non-resident parent ages, these reforms are not expected to have any specific disproportionate negative impacts.

A possible area for consideration is around the treatment of very young parents. From statutory maintenance service administrative data, there are very small numbers of such parents within the statutory service, with fewer than 200 parents with care under 18 and fewer than 30 non-resident parents. Nevertheless, the Government will consider appropriate treatment for these groups as policy proposals develop.

When consulting on how information and support services for families experiencing separation could be integrated to help them reach family-based arrangements, the Government will look to see how services can be located in places people of all ages can access. This is likely to include further consideration of the range of channels through which information and support can be provided, for example web-based, via help lines and face-to-face. The Government will also look to consider how support for children of separating and separated parents can be better integrated – provided

in locations and in a format that is accessible for children. The Government also recognise that wider family members can provide support for those experiencing separation. The information and support that older family members such as grandparents may need will be considered. The Government plan to approach organisations that represent the views of older people as part of the consultation.

5. Monitoring, evaluation and next steps

The Government will monitor equality impacts of these proposals as the policy develops, as well as any feedback from stakeholders and others, and will consider the need for action should any unforeseen consequences arise.

For the future child maintenance service, at the application stage customers will be offered the opportunity to communicate with the service in a way that suits their needs. They will also be given the opportunity to self report any of a range of diversity indicators as part of the process of collection personal data about the individual. This will include disability, gender, race, age, sexuality, religion/belief, and access and communication needs.

The future scheme will use the Government's Customer Information Service in the first instance to identify most customers. Sensitive and personal information will be protected.

A public consultation will be held on the proposals in the "Strengthening families, promoting parental responsibility: the future of child maintenance" consultation for a 12 week period until 7 April 2011. Once the consultation period closes, it is the Government's intention to analyse the responses and publish a response to the consultation. The Government will then look to further develop policies in light of the responses received and provide updates to this equality impact assessment as appropriate.

6. Contact details

If you have any questions on this equality impact assessment then please contact:

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