

Submission to Social Security Advisory Committee (SSAC)

Issues with Child Maintenance (CM) and Benefits for Separated Parents, their effects and proposed solutions

Summary

The purpose of Child Maintenance is not clear.

1. CM needs to be affordable and allow for modern costs of living of the paying parent.
2. CM must recognise that people's incomes are not regular (especially low earners)
3. CM must work with Universal Credit (UC) so that work always pays i.e. UC cannot remain 'blind' to CM.
4. Surcharges must be dropped - at the very least for those on low incomes and legacy benefits/UC.
5. CM must promote (and not undermine) shared parenting and hence promote parental involvement - this must include sharing of child-related benefits and recognise that 1/7 reductions are wrong in principle and should be 2/7 per 52 nights of staying contact.
6. CM must move away from the 'hostile' environment and language.
7. CM must be more transparent to users.
8. CM must to reflect the diversity of modern family life, blended families where parents have children with more than one partner, same-sex relationships, etc.
9. The CM formula must remove 'cliff-edges' and reduce the scope for 'rewarding' non-compliance with Arrangement Orders of Family Courts.
10. CM must be designed to be eventually, if not phased out, phased down so fewer parents rely on it.

The current system of Child Maintenance adds to family conflict and is in urgent need of wholesale reform.

Below we identify issues with Child Maintenance, the effect that these are having and propose a range of solutions that address those specific problems. However, that does not take away from the need for an overview of the whole system of CM. There is also a need to learn from other jurisdictions e.g. Scandinavian nations where family separation conflict is a far less frequent occurrence and joint parental care has become the norm.

	Issue	Effect	Solution
1	<p>The purpose of CM? For CM to be accepted people need to have a clear understanding of its purpose.</p> <p>Is it to ensure minimum standards for wellbeing of child? If so, how is it relevant to award £1,000 a week from high net-worth individuals?</p> <p>Is it to ensure that the child enjoys a similar experience with both parents?</p> <p>Is it to create a sense of responsibility by both parents?</p>	<p>Most parents assume it is intended to ensure that the child's basic needs are met jointly, albeit many don't think this is what is achieved.</p> <p>Big disparities of income may cause stress, anxiety and envy on either side of the family. Paying parents get upset when they see ex-partners enjoying expensive holidays, personal luxuries that are unaffordable to them and are not related to maintaining their children. Receiving parents, likewise, may resent seeing an ex in a comfortable set-up, apparent freedom and luxuries, even if financed by debt or new partners. This has been borne out in DWP investigations into suggestions of lifestyles in variance to stated means.</p>	<p>Both parents (and by implication grandparents and extended families) are to be encouraged to be involved in a child's life with love, childcare, childcare support and, at least for the parents, to meet their day-to-day and wellbeing needs.</p> <p>The objective of CM should be to provide an additional safety-net for children beyond the one provided by state welfare.</p> <p>Conferring responsibility is part of this too, but much more difficult to achieve in practice in separation, if it does not include elements of parenting time and autonomy with/for both parents.</p> <p>When working well, dependency on CMS should diminish until it becomes relatively rare.</p> <p>An Australian style assessment of the cost of maintaining a child seems more appropriate - being shared between parents based on both their incomes. A cap that relates to these costs may also be a route forward. Any such approach must be transparent and accessible to all.</p> <p>A longer-term goal should move in the direction of Sweden and other Scandinavian nations where the state is rarely involved – although in some cases the state contributes to CM thus making it an issue between parents and the state rather than a struggle between the parents.</p>

	Issue	Effect	Solution
2	<p>What promotes generous CM</p> <p>Feedback from our service users is that those whose involved relationship with their children is encouraged are most likely to pay on-time and in full and often more than CM assessments if they can afford it.</p>	<p>Child is better supported financially and psychologically. Parents are less likely to be in long-term conflict.</p> <p>When parents split, children are affected. They rarely want their parents to break-up. In seeing their parents sharing their care and parenting, they see an aspect of their ongoing togetherness. The power of the symbolism to the child of both parents still working for them is immense.</p>	<p>Focus CM and benefits on promoting shared parenting. We understand that in countries with high shared parenting rates, there is little to gain financially through being the 'Parent With Care'.</p> <p>In Sweden joint care has become the norm. In Finland dads now spend as much time caring for children as mums (in fact slightly more time). On finance, children will see and know that their parents are working together for them and that provides them with a stability and assuredness about the value and importance of both parents in their lives and their equal focus on them.</p>
3	<p>Affordability – Cost of Living Thresholds</p> <p>Child maintenance is paid at a rate of £7 per week by NRPs with income below £100. Above the £100 threshold a % rate is applied on sums above that and below £200. These thresholds were put in place in recognition that paying parents had to be able to house, feed and clothe themselves. The standard % of income formula is applied for anyone receiving over £200 per week. These thresholds have not been reviewed for inflation since 1998 and are entombed in legislation.</p> <p>The receiving parent does not experience the same inflationary effect of eroding contributions from paying parents (those who are able to sustain their payments) as:</p> <p>CM payments are effectively indexed to their ex-partners gross earnings. They have a measure of protection from welfare benefits and tax credits which are regularly reviewed.</p>	<p>Paying parents are sometimes unable to pay for their own essential cost of living. They are more likely to have difficulties in making payments and end up in the costly 'collect' scheme.</p> <p>Such evidence as has been shared with us by DWP, or is available publicly, suggests that most parents in the collect scheme are on legacy benefits or Universal Credit. A high proportion of them are already struggling to pay their rent and many are reliant on foodbanks.</p> <p>Parents who cannot afford to pay their own housing cost or travel to work costs are unlikely to work to their capacity or at all. Neither will they be able to afford their full Child Maintenance Assessment.</p> <p>Instead of blaming the system, many will blame their ex-partner for reporting them to CMS.</p>	<p>Review these thresholds to ensure that they are adjusted, minimally, in-line with the general rate of inflation.</p> <p>Consider further adjustments in these thresholds to take into account the cost of housing and travel to work as these have particularly increased over the years.</p> <p>Consider need for a South East adjustment due to exceptionally high housing and transport costs.</p> <p>Link the thresholds to a relevant index so it is not reliant on primary legislation to ensure essential costs of living are met.</p>

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4	<p>Who is on the 'collect' scheme? The majority of paying parents who have difficulties making timely payments of CM and are put on the 'collect' scheme are on benefits. They are then penalised with a 20% surcharge.</p>	<p>Those least able to pay are penalised most. In making poor parents poorer, children are being penalised.</p> <p>CPAG reported in 2014 that the surcharge more likely to put off parents from using CM Options with the possibility that it will be used by one or other parent to pressurise the other into an unfair settlement.</p>	<p>Drop 20% charge for anyone who is poor and under a certain threshold e.g. £25k a year.</p> <p>Drop the charge for anyone on benefits. If they rely on state welfare, they cannot afford 'payday loan' style penalties.</p> <p>Research what, if any, encouragement the surcharges have on payment by better-off parents. If they do, and it is felt that they need to be retained, then they should apply equally to both parents rather than 20% to the paying parent and 4% to the receiving parent.</p> <p>If there is little effect at higher income levels then drop this surcharge completely.</p>
5	<p>Shared Parenting Formula is Unfair for Joint Care Currently child-related benefits only go to one parent – the 'Parent with Care' (PWC) i.e. the one that has over 50% of nights with the children. The PWC is automatically entitled to CM payments, even when care is shared 50/50 or near enough e.g. 4 nights versus 3 to the 'Non-Resident Parent' (NRP).</p> <p>CMS policy is to promote 'no maintenance' payments when care is exactly 50/50, but if the official PWC applies. They already receive all child related benefits, but if they apply to CMS they will also be assessed to be entitled to 4/7 of the full CM calculation.</p> <p>In evidence to the Work and Pensions Select Committee Inquiry into CM in 2016, the charity Gingerbread, agreed that the formula for shared parenting needed to be reviewed.</p>	<p>Parents are disincentivised from joint care of children and conflict is promoted in battles over 'residency' or whom the child should 'live with'.</p> <p>Neither Child Maintenance nor Child Benefits or Tax Credits are apportioned as a proportion of care time. It creates a 'winner takes it all' scenario that favours one parent and disadvantages the other.</p>	<p>50/50 care should result in a nil assessment for CM if maintaining the current system for CM.</p> <p>Joint care i.e. over 35% or 2.5 nights per week should result in no CM payments, reducing financial conflict and complexity. Both parents are providing a roof for their children, clothes, food, etc.</p> <p>Likewise, child related benefits and tax credits should be shared.</p> <p>If an Income Shares model replaced the current system then this could still result in CM payments from one parent to the other.</p>

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6	<p>Is the 1/7 Reduction in CM for every 52 nights a year fair?</p> <p>The current CM assessment allows for a 1/7 reduction for every 52 nights a child spends with the NRP.</p>	<p>Again, the system assumes that one parent is a carer and the other a provider. In reality, in most cases, both are housing, clothing, feeding their children, etc.</p> <p>This is not fair and undermines shared parenting arrangements. If sole care of a child creates an assessment of 7/7 of CM and 50/50 care results in a nil assessment, then mathematically every 52 nights spent with a parent should result in a reduction of 2/7.</p>	<p>Correct the formula to reflect the importance of both parents in children's lives with a 2/7 reduction per night. Better still, put it more neutrally i.e. start with a premise of no CM paid to either and 50/50 care and adjust by 2/7 both up and down per 52 nights spent longer or less with each parent.</p> <p>Move away from concept of a PWC and a NRP. Both parents have parental responsibilities in law and should be treated as such and with equality, based on the quantum of care provided.</p>
7	<p>Are the bands used for reductions in CM payments right?</p> <p>Having a precise number of days in these bands (52, 104, 156) is unhelpful.</p>	<p>It results in conflict over the precise number of days that a child is with each parent, not helped by the one-sided formula.</p> <p>Parents will, for example, not make a child available for a holiday as it might result in a 1/7 reduction in their CM.</p>	<p>The bands should avoid cliff-edges. In particular 50/50 care should not then move from no CM to 4/7 of the full assessment when one parent gets an extra half a day a week.</p> <p>There should also be latitude in variations of arrangements e.g. only if the variation is over, say, 25% from current arrangements might the assessment change. Thus if a child spends 52 nights a year with a parent then the assessment should not be re-visited unless the figure goes down to 39 nights or less or up to 65 nights.</p>

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8	<p>Court Ordered Child Arrangements</p> <p>There were 42,000 Children Act Proceedings in England alone in 2017-18. CMS policy is to take such orders into account, but not accept them.</p> <p>Child Arrangement Orders are difficult and emotionally and financially expensive. On average in 2016, FNF service users report that they spent £23k on their family proceedings and similar levels of expenditure by their ex-partners.</p> <p>Once the order is made, it is all too often not complied with by the PWC who is then 'rewarded' with additional CM for their non-compliance.</p>	<p>This is one of the most stressful issues for NRPs. It is a fact that Child Arrangement Orders are often not complied with and that enforcement measures are often not taken. And yet failure to fully meet CM assessments, often adjusted upwards because of the non-compliance, results in tough enforcement action to collect money.</p> <p>The NRP is then compelled to instigate further enforcement proceedings (c. 6k cases a year – we believe there would be many more as people frequently give up in desperation). Fewer than 1% of cases result in enforcement action (as procedures for this are complicated, judges don't like using powers they have and resources for assisting in compliance do not exist).</p> <p>A typical narrative is – An order exists for 2 nights a week with the NRP. PWC does not obey this and calls CMS to report that the child is in their full-time care. CMS contact NRP who says that ex is ignoring the court order – effectively admitting that ex has full-time care and PWC is awarded with an extra 2/7 CM assessment.</p> <p>Recently a caller to FNF explained that his ex had asked for more money than the online calculation suggested. He was unable to pay, so she called the CSA and said he only had the children for one night a week when he had them for three. Her word was taken and he was told to get a court order to evidence his three days.</p> <p>Another father had the majority of care time. The mother worked full-time and had historically received child benefits and hence was nominally considered the Parent With Care. She made demands of extra payments from the father, in excess of CM rates. The father was terrified of going to court to prove the arrangement as it would almost certainly result in his contact being stopped.</p>	<p>Orders made by the courts must be honoured for a period of at least 12 months unless</p> <ul style="list-style-type: none"> (a) The change in arrangements is mutually agreed, or (b) The PWC makes a successful application to vary the court order, or (c) There is evidence that the NRP is failing to meet their care obligations by over 25% (as set out in 6 above). (d) Evidence, currently appears to exclude statements of parties or third parties – sworn statements should be accepted with significant penalties for any that are subsequently found to be false. <p>Effective options of enforcement of Child Arrangement Orders must be (a) made available (b) utilised (c) be easy to access. The lack of equality of application of sanctions for breach of orders compared to enforcing CM payments is considered by NRPs as the single biggest stumbling block to cooperation with PWCs. It also causes huge stress to NRPs (no doubt PWCs too) and often leads to complete loss of a loving and caring parent from a child's life. It also puts more pressure on the PWC who then loses access to the caring resources of the NRP and usually their grandparents and friends too.</p>

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9	Affordability – Discouraging Work If a NRP cannot afford assessments made, they often find that they also cannot afford to work.	17% of FNF service users, in a study of over 800 in 2016, reported that they had no option but to give up work. Many reported a reduced capacity to work due to stress and misery of being excluded from their children's lives and the lack of support whilst going through family courts (often self-representing). Others, no-doubt, turned to the 'black economy' as their only way out.	Assessments must be affordable for working parents and must support and incentivise engagement of both parents with their children.
10	Workless Families Whether focusing on the PWC or NRP, the effect of with workings of CM may be to discourage both parents from working.	Children are growing up without a working parent role model in their lives. Children would enjoy better financial support overall if parents who are able to work are encouraged to do so.	The role of CM needs to be reviewed to ensure that it discourages workless households and come into line with government policy (eg Univ Credit) on this.
11	Affordability – Universal Credit (UC) Interaction UC is intended to ensure that work always pays. In failing to take into account CM, for the paying or receiving parent, for those on low incomes it does not achieve this.	Many parents give up work as it does not pay for them to work. Analysis published by the Centre for Social Justice ¹ shows that as many as 638,900 paying parents could be affected and experience marginal tax rates of around or even over 100% as their incomes go up. Meaning that working costs them more than they earn.	Universal Credit must take into account Child Maintenance payments made by the paying parent.

¹ The Hidden Parent Poverty Trap: Child Maintenance and Universal Credit, Centre for Social Justice 10th March 2019
<https://www.centreforsocialjustice.org.uk/library/the-hidden-parent-poverty-trap-child-maintenance-and-universal-credit>

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12	<p>Child Poverty Not all measures of household income include receipts and/or payment of Child Maintenance.</p>	<p>There is a diminished understanding of the effect on child poverty in both the receiving household and the paying household where there may be children from previous relationships.</p> <p>For many families the current CM assessments 'rob Peter to pay Paula' and can leave children in the paying parents' households living in poverty whilst children from previous relationships live in relative comfort at the receiving parents' home.</p>	<p>The total CM assessed and raised was reported by the minister for 2015-16 as £594 million² a year (at a cost of £114 million), excluding those with private arrangements. These figures must be analysed to gain a balanced picture of child poverty.</p> <p>Many, but not all, current studies of household income and poverty do not factor CM payments and receipts. Analysis that does not do this must not be used for assessments of child poverty and must weigh-up the effect on paying parents' and their live-in children's poverty.</p>
13	<p>Discouraging Work by PWC Where the NRP has a relatively good income, the PWC, who may also have been awarded the family home in a divorce, may find that their household income from child-related benefits and CM is sufficient for them to live on without having to work.</p> <p>Benefits are received by the PWC irrespective of whether their ex pays them £0 or £1,000 per week in CM.</p>	<p>Many, in such circumstances, do not work, even though their children are at school – even private school paid for by the other parent.</p> <p>Work does not pay for them.</p> <p>A bad example is set to children that PWCs can live in a household with no earned income* to support the family and or contribution to society. (*to differentiate from those stay at home mothers in households with a partner's income)</p> <p>Some PWCs live in 'under the radar' cohabiting relationships to maintain some of the financial benefits of being able to claim lone parent benefits. DWP in 2012 estimated this to be costing 100 million per annum³. Costs are felt by NRPs also.</p>	<p>Benefits and CM need to be linked in some way – preferably as part of UC.</p> <p>Both parents should be encouraged to both care and provide for their children.</p> <p>It must also be considered whether a cost of £114 million of operating the service represents good value for money to the taxpayer when weighed-up against alternative means of poverty reduction.</p>

² Work and Pensions Committee – Oral Evidence – 7th December 2016 <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/work-and-pensions-committee/child-maintenance-services/oral/44263.html>

³ <https://www.gov.uk/government/news/warning-for-living-together-fraudsters-as-justten-cases-cost-the-taxpayer-over-1m>

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14	12 Month Rule This is a rule which empowers CMS to after 12 months overturn financial maintenance decisions made by a court that take into account division of all assets.	Gingerbread and we think this rule is wrong. Carefully reached assessments by courts are overturned by less skilled operatives seeking to apply a simplistic formula sometimes benefiting the PWC, other times the NRP. The formula is too crude. This issue mostly affects better-off families. .	<p>Carefully court analysed arrangements that take into account all pertinent facts should be adhered to unless variations are mutually agreed, mediated or professionally adjudicated.</p> <p>Financial disclosure for divorce is completed via a Form E and the contents of this document are sworn on oath by both parties before submission to the court. Both parties are aware that to submit an inaccurate Form E can result in a Contempt of Court charge. Decisions made by the Courts on the basis of this information should not be lightly overturned or dismissed.</p> <p>CMS should also establish a specialist team to handle these cases and to take account of issues that informed the initial court assessment, rather than apply a standard % regardless.</p>
15	Cost of travel Currently CMS calculations allow for travel costs fall a long way short of the cost of travel and many parents are unaware how to claim for this.	Current allowances are very limited and do not meet even a fraction of the cost of travel to see children. Many parents cannot afford to maintain contact with their children. Visiting parents are mostly expected to meet the full cost of travelling to collect and drop-off children. This is a particular issue when the parents live at a distance from each other or one moves away.	<p>The additional cost of travel should be shared.</p> <p>Any move by a parent who is sharing care of over 1 hour away must be by mutual consent or court agreement.</p> <p>It would assist if this was explicitly stated by CMS so parents understand that it is a shared responsibility.</p> <p>The online calculator should include a model for calculating this transparently.</p>

	Issue	Effect	Solution
16	<p>Second Families</p> <p>This has been mentioned above. Allowances for live-in children from second families are less generous than CM assessments for children with former partners. For example, a reduction of 14% is made for two children from their current relationship, the income upon which CM is calculated. So, a parent with an income of £300 per week has this reduced to £258 for the purpose of allowing for this. If the paying parent has one child from the former relationship it leaves this allowance equates to £5.04 (£42)</p>	<p>The reductions of income upon which CM is calculated to most parents with children with more than one partner appear to be derisory. To them and to their new partners they are derisory and, as stated in point 12 above, reinforce the notion that CM is robbing Peter to pay Paula. Again, these adjustments do not relate to any realistic assessments of cost of living or looking after children and present as unfair, particularly where ex-partners enjoy a higher standard of living than their new second family where children may be living in poverty. It is a recipe for resentment between parents and half-siblings e.g. if one side of the family enjoys good holidays and trendy clothes and the other cannot.</p>	<p>Support for children must transparently be seen to be more equitable between children with different partners.</p> <p>If the CM formula were to better reflect the cost of living and transparently then share CM requirements between first and second families, it would improve credibility of CM to these paying parents.</p>

	Issue	Effect	Solution
17	<p>PWC/NRP/Single Parenthood Concepts Family Justice (some years ago) moved away from the concept of Resident and Non-Resident as these are emotive terms that in practice suggest that one is a second-class parent.</p> <p>Welfare and CMS/DWP has not caught-up with the problem of this language classification. There is great sensitivity around terminology used – it sets a tone. Legislation remains framed in terms such as ‘Parent With Care’ implying the other does not (have any) care; ‘Non-Resident Parent’ implying they don’t have a home; ‘Resident Parent’ implying the one in charge, implying they may not need to collaborate with the other.</p> <p>Furthermore, as soon as one parent leaves the family home, they are treated and classified as a ‘single adult’ and the other parent as a ‘single parent’. In reality, both remain parents, both retain any legal parental responsibilities’ and both take care of their children who enjoy two homes. The Fatherhood Institute prepared an analysis⁴ of the under-estimating of paternal involvement and over-estimating of single parents in datasets.</p> <p>Indeed, even if the terminology was neutralised to just ‘parent’, the system continues to treat one, the parent in receipt of benefits, as primarily a carer and the other as the ‘provider’ of finance. The term ‘Contact’ should also be replaced with ‘Parenting Time’</p>	<p>Family Justice legislation has been updated to move away from the notion of a ‘Non-Resident Parent’ (NRP) and ‘Parent With Care’ (PWC). The terms were seen as emotive and conferring a power difference that ought not to exist. Family Justice instead adopted the concept of ‘Child Arrangements’ and court orders now reflect this and state the arrangement for how much time a child will spend or live with one parent or the other.</p> <p>In what appears to be a case of a lack of joined-up government, DWP continue to classify parents as PWCs and NRPs. NRPs s continue to feel undermined by a different arm of government.</p> <p>Reflecting this, only one parent receives child related benefits, irrespective of the fact that both parents may be providing substantial care to their children.</p> <p>The classification used to define PWCs/Single Parents, NRPs/Single Adults is reflected in policy in relation to benefits and almost certainly contributes to a false hierarchy where the issues for PWCs trump those of NRPs when in fact the policy should support both parents properly.</p>	<p>The demeaning language of NRPs and PWCs must be prevented and discouraged. DWP should review their use of such language and legislate to change it where it remains in current CM legislation.</p> <p>Benefits should be shared between parents, ideally equally unless there is a reason not to – better still, rolled into UC. Both parents should be empowered by the system to feel responsible for their children and to be supported in their parenting whether together or apart.</p> <p>Exceptions can be made where a parent is proven to be unsafe to be with their children or where one parent really is not engaged in joint care i.e. at least 1 night a week.</p> <p>Both parents usually have to provide accommodation for their children, both have to feed and clothe them. This should be reflected in the way CS works too. The days of dad working and mother parenting at home have passed and the decision to have children is nowadays taken quite differently, implying a joint approach to parenting – before and after separation.</p> <p>In any case, child-related benefits might be factored into a Shared Incomes Model assessment of the cost of the child and shared accordingly.</p>

⁴ ‘Where’s the Daddy’ – Fatherhood Institute – February 2018
<http://www.fatherhoodinstitute.org/2018/blog-wheres-the-daddy/>

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18	<p>Income Variation</p> <p>There is currently a requirement for a 25% variation before reassessment of Child Maintenance assessments, prior to year-end. There are reported to be 4.8 million self-employed people with many of those in the so-called 'gig economy' with unpredictable monthly pay. Their average income is estimated to be £12,500. The requirement of a 25% change before a re-assessment is simply not possible for many where their income can fluctuate on a weekly basis.</p>	<p>This may work for those on substantially above average incomes, however, it is simply too big a variation for many, especially those below average incomes.</p> <p>£12,500 per annum or £240 a week equates to £228 after deductions⁵.</p> <p>Someone on such an income with two children would need to pay £45.60 a week⁶ Child Maintenance. If they lived in outer London, a single 'box' room in a house share would cost them around £100 a week, if they had to travel to work daily their transport costs might be over £40 a week, leaving around £40 a week or £6 a day to live on, buy clothes, pay for visits to children, etc.</p> <p>If people are already struggling to pay their rent, fluctuations in income of 15%, 20% or more simply cannot be budgeted for and penalising those who struggle with a 20% surcharge is simply cruel.</p>	<p>Adjustments must be accepted on income variations of above 7-10%.</p> <p>An alternative may be for paying parents to self-declare and make payments based on their own calculations of % of monthly income. If annual reconciliations do not match HMRC figures and any shortfalls not made good in a reasonable time, there could be a penalty.</p>
19	<p>Notional Returns on Assets</p> <p>In seeking to improve enforcement of collection of CM, DWP introduced a notional 8% return on assets⁷ for the purpose of CM assessments?</p>	<p>It is hard to imagine even the most successful of investors expecting to achieve such returns and thus this component of CM appears to be about re-distribution of wealth from one parent to another. The fact that both parents assets are not taken into account simply amplifies the apparent absurdity of this.</p>	<p>Financial settlements take care of divisions of assets of separating couples. It is not clear to us why those already divided assets should be taken into account at all and in any case the main effect would be on a tiny proportion of high net-worth families. Even if they are taken into account, they must be realistic. It seems likely that high net-worth individuals will find legal accounting means of minimizing those assets anyway and we fail to understand why the government made this a priority in recent regulatory changes.</p>

⁵ Calculated using <https://www.moneysavingexpert.com/tax-calculator/>

⁶ Government Child Maintenance Calculator <https://www.gov.uk/calculate-your-child-maintenance>

⁷ DWP Child Maintenance and Arrears Strategy 12th July 2018

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/724358/response-child-maintenance-compliance-and-arrears-strategy-consultation.pdf

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20	<p>Enforcement</p> <p>A range of further measures were or are being introduced for the enforcement of CM collections, including the power to remove passports, remove funds from joint bank accounts, access information from banks and other third parties.</p> <p>These powers seem to essentially focus on issues affecting a very small proportion of wealthier people.</p>	<p>It is difficult for paying parents who are genuinely struggling to maintain payments, under a fundamentally flawed system, to understand the apparent obsession of policy makers with the rich whilst disregarding their pleas. We can guarantee every MP will have been made aware of by their constituents.</p> <p>Removing passports of the poor to deny them a weekend break in Paris will do nothing to improve CM payments. It is more likely to breed resentment, opting out of all work, entering the black economy, etc.</p> <p>Increasing numbers of paying parents are reporting suicidal thoughts and we have had some reports of people who had enough already. Ill thought-out policies that assume that most parents having difficulties paying are 'deadbeats' and undeserving, places unacceptable stress on them. Much of the behaviour of CMS, as CSA before them, amounts to state bullying.</p> <p>The fact that unrealistic expectations are created also results in a sense of entitlement in receiving parents. We often hear reports of contact being stopped because CM was not paid in full – the link between contact and payment being regarded as 'pay per view'. The trouble is that whilst DWP have an increasing range of tools to enforce payment, neither they nor MoJ do anything to enforce contact that should be separate. Emotionally, for both parents, the two are very directly and often painfully related.</p> <p>Collection powers and other measures for enforcement may be targeted mostly at relatively well-off parents. However, they are</p>	<p>Priority must be placed on getting as many people as possible out of the CMS system altogether, getting the formula right for everyone who is in it and above all for those on low incomes.</p> <p>Squeezing blood out of a stone is not a practical solution. Threatening to take it out of state benefits or pensions too will only backfire just as so many other policies have that have not paid adequate weight to all stakeholders.</p> <p>CMS operatives demonstrate an attitude of critical doubt of paying parents and unquestioning belief of receiving parents. They often uncritically buy into the 'deadbeat' narrative.</p> <p>Practical help is not offered to those who don't have the resources and cannot make payments. Calculation errors are frequently reported and difficult to resolve. When errors that have cost people unimaginable stress are accepted £75 is deemed adequate compensation. CMS often uses its state authorised powers in a dehumanising way.</p> <p>The fundamentals of CM assessments must be reviewed. The formula should not be enshrined in primary legislation as that makes it all but impossible for it to be revised to keep up with changing times and culture or errors in a complex system. Meanwhile calculations must be made completely transparent. Investigations, efficient, open and self-critical i.e. if it looks wrong to investigators it must be escalated and possibly changed rather than force people into tribunals that have no choice but to find against them because sometimes</p>

	Issue	Effect	Solution
		<p>used to threaten all paying parents with and create great anger – a perception that the state is unfairly set against them, that it sees them as cash cows even if they are running on empty, but disregards the love and care that they can bring to their children.</p> <p>Above all, in failing to enforce court orders for contact (parenting time), the government are seen to be biased and hostile to parents who struggle to maintain their involvement in their children's lives, as well as simply cruel to the children.</p> <p>'Collection powers' are commonly associated in the common view with illegality, bailiffs and fraud. This frames a non-payer as being tainted with criminality. This can only feed negatively into a difficult relationship between the parents.</p>	<p>what is wrong may not be the action of the operative, but the formula itself.</p> <p>CMS must focus more on carrots than sticks.</p> <p>Consideration should be given to utilising deductions from CM assessments whilst in breach of court orders for contact/parenting time.</p> <p>A test should be applied to every component of CMS which should be assessed to see whether it promotes or undermines shared care arrangements.</p>
21	<p>Registration of Births</p> <p>A bill was passed some years ago to make registration of both parents on Birth Certificates mandatory, except with certain exemptions e.g. if the child was conceived through rape.</p> <p>The legislation has not been enacted.</p>	<p>A small, but significant proportion of our service users report that partners do not put them on birth certificates. This could be in order (perhaps fraudulently) to claim additional benefits or because the relationship has broken down ahead of the child's birth. Threats to involve CMS are as common as attempts to avoid entering the father's name on a birth certificate in order to deny him legal Parental Responsibility.</p> <p>The result is that fathers who feel powerful emotions about their impending fatherhood being belittled and hurt. They feel that they are being cut out of their children's lives even before they are born. The child's grandparents usually go through the same pain of exclusion. Inevitably many dads end up making applications to court soon after a child's birth – a sad and difficult start to a co-parenting relationship, and one that sets the tone for subsequent years.</p>	<p>Mandatory registration of births should be enacted in accordance with the bill already passed by Parliament.</p> <p>Child Maintenance should be linked to Parental Responsibility and added to the currently inadequate definition of what that means. It will avoid hundreds of needless applications to court each year.</p>

	Issue	Effect	Solution
22	<p>Same Sex Families Civil Partnerships came into effect in December 2005 and same-sex marriage in March 2014. In 2017 there were approximately 120k Civil Partnerships⁸ or same-sex marriages. Over 10% of them are estimated to be raising children⁹. The children were conceived either by known or unknown donor or have been adopted.</p> <p>Legislation has not caught-up with the fact that there are families now with 3 or 4 people with Parental Responsibility, but only birth parents and adopters have financial responsibility for children.</p>	<p>Biological parents can feel vulnerable if separating as the other parent(s) are not obliged to support the children they agreed to bring up jointly and for whom they have legal Parental Responsibility. In considering separation they are likely to be more susceptible to blackmail and abuse by a controlling partner and for their children to live in poverty or with inadequate support after separation.</p>	<p>If Child Maintenance is linked to Parental Responsibility as suggested in the point above, it will automatically resolve this particular anomaly.</p>
23	<p>Parental Leave Government currently, rightly, supports the provision of maternity leave. For a mother on average income of around £27k, state support amounts to £7,500 for each pregnancy.</p> <p>Support for paternity leave is for two weeks at £145 per week – a 96% gender payment gap!</p> <p>Current government policy is to encourage paternal leave at the expense of maternal leave. The take of this is very low (sub 5%).</p>	<p>For most households, it is uneconomic for the father to take significant paternity leave. Those nations that have overcome this have achieved</p> <ul style="list-style-type: none"> (a) Major improvements in joint/shared parenting (b) Removed the need for much CM (c) Improved welfare outcomes for children of separated families (d) Reduced the instance of serious abuse (e) Changed the culture of society and employers with more resources available to children overall (f) There is some evidence to suggest that paternity leave has helped sustain couples in relationships. 	<p>Paternity leave must be non-transferable and new regulations should plan for them to build up over time from 1 to 3 months at a generous % of salary as in many Scandinavian countries.</p> <p>We should be moving away from a need for CM other than when the NRP is effectively abandoning their children.</p> <p>The Women and Equalities Select Committee recommended a month of funded paternity leave following their 2018 inquiry.</p>

⁸ Office of National Statistics

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/bulletins/populationestimatesby maritalstatusandlivingarrangements/2002to2017>

⁹ ONS 2013 study and FNF estimates.

Note: Calculations of CM based on the report 'How we work out Child Maintenance' by the Child Maintenance Service – February 2017
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/672432/how-we-work-out-child-maintenance.pdf

May 2019

Families Need Fathers - *because both parents matter*

FNF is a registered UK charity providing information and support on shared parenting issues arising from family breakdown, and support to divorced and separated parents, irrespective of gender or marital status. FNF is NOT a fathers' rights group - we support the best interests of children - namely mature and collaborative parenting by both parents - an objective that is inadequately promoted in the family court system and associated services.

FNF receive approximately 30,000 calls a year to our Helpline, thousands more rely on our local branch network, support via online Forums and through our website which has over half a million page views per year.

Our primary concern is the maintenance of the child's meaningful relationship with both parents. Founded in 1974, FNF helps thousands of parents every year.

Further information may be contacted on xxxx xxxx xxx or by email at xxxxxxxxxxxxxxxxx



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