Child Maintenance Sponsorship and Strategic Policy Division
1st Floor Caxton House
Tothill Street
London
SW1H 9NA

strengtheningfamilies.consultation@dwp.gsi.gov.uk

Dear Sir or Madam,

This letter represents 4Children’s submission to the consultation on the Green Paper *Strengthening families, promoting parental responsibility: the future of child maintenance*.

4Children is a leading national charity which undertakes research, develops policy and delivers support for children and families. The organisation has a strong track record of successfully shaping and implementing public policy and led the call for a number of leading policy reforms and integrated interventions including Sure Start Children’s Centres and support for young people.

In October last year we concluded our Family Commission inquiry – an 18 month piece of research into the priorities and concerns of families living in Britain today. The Commission spoke to some 10,000 families.

This submission draws on this experience to state that:

* Families want to be trusted to decide what is best for their children, with support available and easily accessible when they need it.
* Child maintenance is an important issue: Some 38 per cent of families said concerns over finances “keep them awake at night”, with this figure rising to 52 per cent for lone parent families.
* The most vulnerable families – such as those who have been victims of domestic abuse – need to be protected and supported by a system that respects and listens to them.

**Family based arrangements and cooperation between parents**

We were pleased to read that the proposed system of child maintenance will be seen to encourage cooperation between separated families. Although separation can be very difficult, a move away from the adversarial towards a more collaborative approach is much more positive for both parents and their offspring. Children benefit when their parents have a good relationship and can work together to organise care and maintenance arrangements.

**The single gateway to information**

We welcome the single gateway to information and support and we agree that a holistic approach and the co-location of services is the best way to ensure families get the help they need. The Family Commission found that families want help before problems turn into crises and this new gateway to information should help the 47 per cent of respondents who said they would like the government to provide more help and information when things go wrong.[[1]](#footnote-2)

Having a single virtual hub for information with clear signposting will help families access services sooner and will mean that early intervention relationship counselling can take place while it can still have a positive effect. Where relationships have deteriorated beyond repair, access to clear, easy-to-understand information both online and face-to-face can help restrict the growth of ill-feeling and mistrust between former partners and help them reach an amicable agreement quickly.

4Children agrees that Children’s Centres are exactly the kind of community hub that should be used to provide this support. These buildings are becoming more and more embedded at the centre of their communities and are non-stigmatising due to the universal nature of the services they provide. The voluntary sector has a valuable role to offer in providing and supporting this kind of service.

We would like to emphasise that it is very important that the fast-track route to the statutory system is established to allow the most vulnerable – such as those who have experienced domestic abuse – to skip the family-based arrangement stage and be supported to find the best solutions for themselves and their children in a safe and supportive environment. However, it needs to be considered that some families may not wish to identify themselves as victims of domestic abuse in which case they may be put off with engaging with a system which marks them out as different. Therefore policymakers may want to reconsider how to identify who is eligible for the fast-track scheme.

**Charging for the service**

4Children is deeply concerned about the charging structures of the proposals. Making ends meet as a single parent is already difficult. Often lone parents with care – 97 per cent of whom are female – have to struggle to balance childcare and work, coupled with the reduced household income and higher housing costs that come with a single income. Some 50 per cent of children in single parent families live below the poverty line, compared to 24 per cent of those in couple families.[[2]](#footnote-3) In addition, 38 per cent of families told the Family Commission that concerns over finances kept them awake at night, with this proportion increasing to 52 per cent for single parent families.[[3]](#footnote-4) Therefore we feel that penalising lone parents by charging them an application fee when it may be the non-resident parent who is refusing to engage in finding a joint solution is completely unfair.

The Green Paper states that when compared to the average amount of money that is reclaimed through the Child Support Agency £100 (or £50 in the case of those in receipt of certain benefits) is a small price to pay. For some parents, though, finding this fee upfront will be immensely difficult, particularly when they are not yet in receipt of the money they are owed by the non-resident parent. Moreover, before the parent with care makes this upfront application payment, the non-resident parent will have no statutory obligation to engage with the process and could in theory escape making any sort of payment if the parent with care is unable to find the money for the fee.

What is more, the burden of this payment falls unfairly on the parent with care. This is because if – after the parent with care has paid the application fee and charges have been calculated by the state - the non-resident parent chooses to pay directly to the parent with care, the family leaves the statutory system and the non-resident parent has paid no financial penalty for their earlier refusal to cooperate. While the Green Paper’s stated aim to encourage negotiations between parents is admirable, there is also the possibility that the system could be exploited by non-resident parents to offer lower settlements than they might otherwise, knowing that were they to enter the statutory scheme, the parent with care will be forced to pay an application fee and will also lose up to 12 per cent of the money owed to them and may therefore be hesitant to apply.

We are also unhappy with this proposed deduction to maintenance payments taken by the state if the transfer of funds takes place through the statutory scheme. Taking up to 12 per cent of the payments owed to the parent with care is taking money directly away from the children that need it. If the amount being taken away is calculated as the amount needed by parent with care in order to look after their children, how is it fair that this money can be directly taken away from those it has been put aside to help? It is essential that the government rethink this part of the proposals.

Charging for the statutory system penalises potentially vulnerable groups. As mentioned above, if someone has to identify themselves as a victim of domestic violence in order to be treated differently, some will not wish to do so out of fear of retribution from their ex-partner or a wish to avoid stigmatisation. Therefore, charging results in the most vulnerable being put at risk of opting out of the system altogether, avoiding claiming payments from their former partner and as a consequence their children risk losing out on the income which is owed to them. Will these families automatically have access to the collection service and if so, will they be subject to the up to 12 per cent deduction and will they have to risk antagonising their violent former partners by asking them to pay a 20 per cent surcharge? If a parent does choose to disclose that they have been a victim of domestic violence, what will the burden of proof be? We strongly advise deeper consideration of this issue.

The proposed 20 per cent surcharge on parents without care who pay through the statutory system is also unfair on families. Just because the non-resident parent does not have care of their children for the majority of the time, it does not mean that they do not have other expenses relating to the children: perhaps they look after them at the weekends or in the evenings and have clothes and food to buy for them. Cutting further into their income means that money may be being taken away from the very children that the system is designed to protect. Moreover, the higher surcharge for the non-resident parent assumes that they have been the party which has been uncooperative in previous negotiations, whereas it could have been the parent with care who has insisted that they take the statutory route.

Those who refuse to pay child maintenance should be penalised for doing so and robust enforcement measures need to be in place to ensure parents meet their responsibilities, but the system of charging as proposed in the Green Paper needs to be rethought. One of the strengths of families is their diversity but this means that when families break down there are many and varied scenarios which may force people to need to use the statutory system. Assuming that one or another side is to blame and should be financially penalised will create an unwillingness to engage with the system which may in turn result in an increased proportion of children living in poverty.

For more information about 4Children, the Family Commission, or this consultation response, please contact our Director of Public Affairs Claire McCarthy on 0207 522 6925 or using Claire.McCarthy@4Children.org.uk.

4Children, April 2011

1. The Family Commission, Starting a Family Revolution: Putting Families in Charge, 4Children (2010) [↑](#footnote-ref-2)
2. Adams N et al., Households Below Average Income: An analysis of the income distribution 1994/95 – 2008/09, DWP (2010) [↑](#footnote-ref-3)
3. The Family Commission, Starting a Family Revolution: Putting Families in Charge, 4Children (2010) p31 [↑](#footnote-ref-4)