



**DWP** Department for  
Work and Pensions

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

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



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## Ministerial foreword

1. It is right that families are empowered to take responsibility for the welfare of their children. This responsibility is multi-faceted – emotional, physical and financial. Our role as government is to assist families so they can take responsibility and ensure the welfare of their children. This responsibility continues when parents' relationships break down or when they live apart. But separation is a time when families are more likely to need support and we want to ensure that families receive the support they need through this difficult period.
2. The Coalition Government believes that the strategic vision for the child maintenance system should be one that places positive outcomes for families and children at its heart. We want it to promote outcomes that are best for families and children, to deliver a more efficient administrative maintenance service for those who need it, and provide value for money for the taxpayer.
3. Our Programme for Government made clear our commitment to supporting and strengthening families. It is within the family that children develop – psychologically, physically, emotionally and socially – and this is the foundation for children reaching their potential. Children who grow up in stable families have a better start in life – from educational attainment to mental health to future employment prospects – than their peers who experience fractured, chaotic, or dysfunctional home environments. And it is not only individuals who benefit; there are economic and societal benefits when a supportive family environment in childhood is reflected in adulthood.
4. Supporting families to prevent relationship breakdown is central to our vision for strong families. Where preventing family breakdown is possible, we must intervene early to help parents overcome problems they may face in their relationships and avoid more intractable problems developing. The same principles of early intervention and effective support apply to families who are separating or at risk of separation: family breakdown impacts can be long-lasting, for parents and children alike.
5. For families, dealing with separation typically involves not just the practical issues of arranging assets, but the emotional and related issues that arise from dealing with such a significant life event. As such, families need support that meets their individual needs around separation, to enable them to adjust to new circumstances.

6. Too often, parents do not know where to turn for help to deal with separation and resolve what can seem like intractable issues, such as reaching arrangements for financial support through child maintenance payments. They may feel ill-equipped to negotiate arrangements that are best for children in the long term: those that promote ongoing contact and the involvement of both parents in their children's lives, with both parents taking ongoing responsibility for their children through co-operative parenting.
7. This Green Paper outlines a radical re-shaping of the statutory child maintenance system to better support families going through separation, recognising the range and complexity of the issues that parents face during this difficult time. Central to our approach to reform is an integrated model of relationship and family support services, which helps parents make their own, lasting arrangements, because collaborative agreements, where this is possible, are better for everyone involved.
8. We want to enable and empower parents to have more responsibility in making their own informed choices to establish enduring post-separation arrangements. The State's involvement through the statutory child maintenance system should be focused on those parents who are not able to come to their own arrangement. And for those families that need the statutory system we are proposing a new model for child maintenance to deliver high quality services that provide value for money for the taxpayer and do so in a way that fulfils their fundamental purpose: to play a strategic role in ensuring that both parents are able to take responsibility for supporting their children following separation.
9. Helping parents to make arrangements for financial support following separation is just one part of the picture. It is precisely because family breakdown creates a range of issues which parents need help to overcome that this Green Paper reflects a cross-government approach to reform. We have developed our proposals jointly with Ministerial colleagues at the Department for Education and the Ministry of Justice. We have also aimed to reflect the general direction of the ongoing Family Justice Review chaired by David Norgrove.
10. In these challenging times, we need to ensure we are investing stretched resources into support that we know will work. As such, through this Green Paper I seek your views and contributions to help design and deliver the support families need to cope with relationship breakdown and the effects of separation.

## Executive summary

### Supporting families and relationships, and supporting children's development

1. Growing up in a nurturing and stimulating environment helps children develop into healthy, happy and successful adults. Evidence shows that the involvement of both parents in children's lives is better for children on a range of outcomes. We therefore want to encourage this where it is possible. Part of this is supporting families through the process of separation – enabling them to cope with challenges that arise so they can continue to provide the best environment they can for their children.
2. However, we recognise that family life can be challenging. Everyday stresses, as well as more serious difficulties, can put pressure on family relationships. But families are incredibly resilient and can deal with the ups and downs of life, especially if they have people and support they can rely on. Where relationship breakdown is unavoidable, our approach to families is the same – we want to support strong families to work together to reach agreements that are in the best interests of their children.
3. In this Green Paper, we set out our proposals for reforming and repositioning the services provided by the child maintenance system to align them with the Coalition Government's goals for supporting and strengthening families. But child maintenance is only one part of the picture. We need to consider the full range of support to parents around separation to help them take the decisions that are in the best interests of both parents and children.

### Our guiding principles for reform

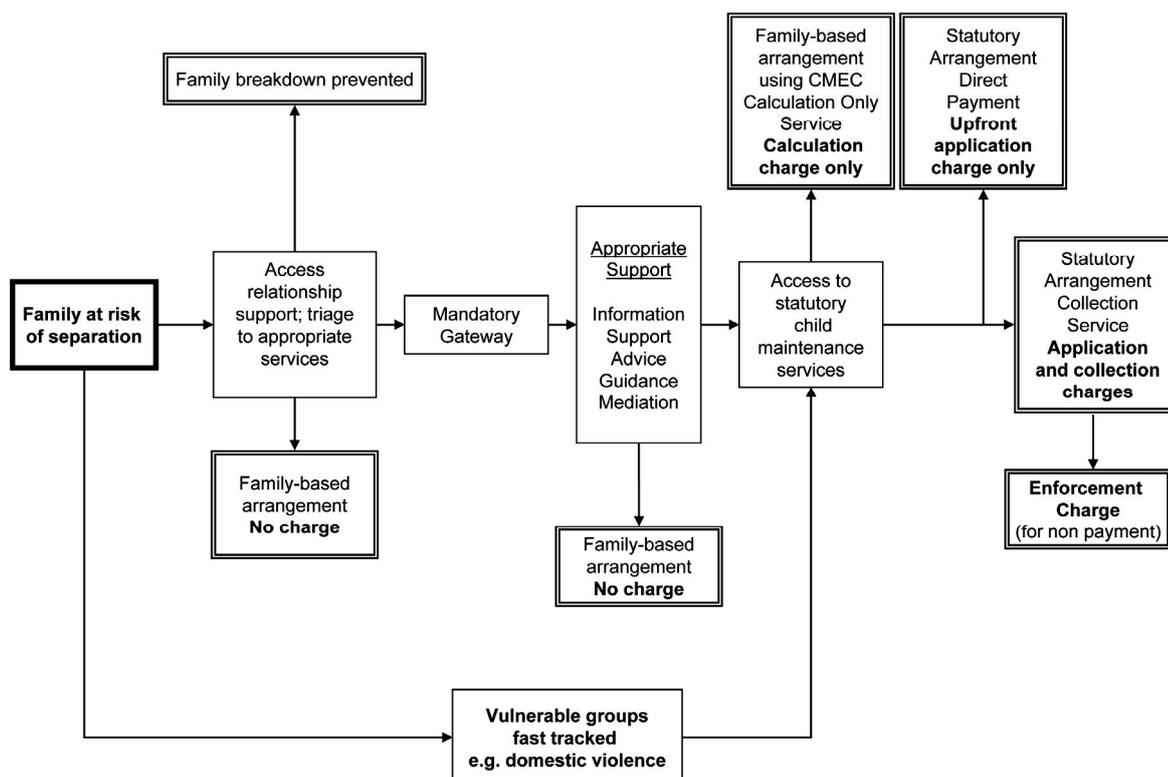
4. We believe that families themselves are best placed to determine what arrangements will work best for them. Underlying our approach is the assumption that government should use mechanisms to encourage and support parents to:
  - fulfil their **responsibilities as parents** in terms of continuing involvement in their children's lives and through the payment of child maintenance; and
  - make **family-based arrangements** concerning these issues wherever possible, which is better for children, rather than relying on government services to step in and administer these arrangements on parents' behalf.
5. We want to encourage parents to draw on a range of support to help them reach family-based arrangements for child maintenance which will facilitate co-parenting and the ongoing involvement of both parents in children's lives. Our proposed approach to child maintenance reform is therefore underpinned by the following principles:
  - **A family-centred approach:** We will support separating families to take a collaborative approach in dealing with the range of issues – supporting ongoing family relationships and avoiding problems becoming intractable, especially around issues of finance.

- **We will support families to take responsibility:** We will provide services that encourage and enable parents to take considered decisions about the maintenance arrangements that are in the best interests of their children. This includes implementation of a gateway and charge for use of the statutory services.
- **A reformed statutory system:** The Child Support Agency (CSA) schemes will be replaced with a new, efficient statutory child maintenance scheme that will be introduced in phases to avoid the errors of past reforms and supported by a new computer system. As many savings as possible will be driven out during the changes, so that the system is as efficient as it can be.
- **Protecting the most vulnerable:** Families can be very vulnerable pre- and post-separation, and for this reason it is important that support is available that meets their needs in dealing with issues. We will provide particular support for victims of domestic violence.

## Proposed vision for supporting separating parents

6. These principles translate to a vision for services which provide the support parents need to deal with the effects of relationship breakdown and take responsibility for making family-based agreements wherever possible. Through a family-centred approach to joining up services, we want to offer a simpler journey for families to access and use the support they need at a distressing time, with the aim of reaching agreements that are best for their children in the long term.

**Figure A: Choices: family responsibility and the reform of the child maintenance system**



*Chapter One: Changing landscape – supporting separating parents*

7. There are many examples of professionals and organisations already offering the support parents need when separating. Voluntary and community sector organisations have years of expertise in providing the support and advice separating families need. Many rightly focus on specific issues, such as financial support, mediation, relationship counselling and parenting skills. However, it can be difficult for families to navigate this complicated system of support and identify the support they need, including whether a family-based arrangement might be appropriate.
8. We want to integrate the support currently provided to empower families to come together and resolve their issues in a collaborative fashion whenever possible. It also means that those who provide support have a greater awareness of the range of support separating families may need. This also applies to support services that will be aware of parents going through the separation, who will then be better able to signpost families into support.
9. There are existing models at the local level and overseas of how this can be provided. It could involve co-locating support services under one roof to allow families to easily access the full range of support they may need. It could also involve training more professionals to recognise what support family members need and refer them to it. It is up to those with expertise to decide what would work best in their locality. This will allow more families to be able to access and utilise the information and support they need to come to a family-based arrangement that suits them and their individual circumstances.

*Chapter Two: Reform of child maintenance – the Government's offer to parents and taxpayers*

10. Our vision for supporting and empowering parents to reach family-based arrangements for child maintenance necessitates a fundamental re-shaping of the role of statutory child maintenance services within the system of support provided to families around the point of separation.
11. Until now, the CSA may have been viewed as the default option for parents seeking support to make child maintenance arrangements following separation. We want to change this culture so that parents are supported to reach arrangements between themselves before conflict and disharmony have set in. This would enable the statutory maintenance system to focus on arrangements for maintenance when collaboration between parents is not possible (for example where a parent refuses to take responsibility or where issues, such as the risk of domestic violence, mean parents may not always be able to effectively resolve matters between themselves). To achieve this we will:
  - a. Introduce a **gateway** to the statutory maintenance scheme to ensure parents are first supported to take responsibility and make family-based arrangements before resorting to the statutory maintenance system. We will require all applicants to go through this process before accessing the statutory system. Where appropriate, referrals will be made to wider family support services to enable families to find resolution across a range of issues. There would also be a fast-track for the most vulnerable, namely victims of domestic violence.

- b. Offer a **package of support** to enable parents to put in place their own financial arrangements. This would include a calculation, based on information from HM Revenue and Customs, on the amount of maintenance to be provided. This service will not operate in isolation – it is intended to complement the gateway and wider family support.
- c. Implement **charges for statutory child maintenance** services under the new child maintenance scheme. This proposal builds on the findings of Sir David Henshaw's report for the previous government.<sup>1</sup> The charges proposed are intended to encourage families to make choices in the best interests of their children and the choices can be made at various points which will avoid the application of fees. They will be based on principles of fairness – with a reduced charge for people on benefits. We are also looking at the balance of charges between the parent with care and the non-resident parent, as well as the need to protect particularly vulnerable groups – victims of domestic violence will be exempt from the application charge. This measure along with increased efficiencies will reduce the financial burden on the taxpayer, who currently pays the full cost in transferring maintenance payments, while preserving a statutory scheme for those who need it.

### *Chapter Three: Moving to the new child maintenance system*

- 12. Providing an efficient and effective statutory child maintenance IT system is vital, so that parents who cannot make arrangements collaboratively are able to access the ongoing financial support they are entitled to, so they can support their children.
- 13. To that end, we will continue to invest in a new streamlined child maintenance scheme to replace the existing CSA schemes. The new system will first be available to new clients and then, over time, CSA cases will be closed and parents will be able to apply through the new system. The new system is being designed to deliver meaningful and obvious improvements for clients. It will have a new computer system to enable an annual review of cases through links with HM Revenue and Customs' tax systems that will provide information on income on which we can calculate child maintenance. These changes will enable us to update cases yearly for the first time and will deliver a significantly improved service for parents.
- 14. The new system will also offer value for money for the taxpayer. Lessons have been learnt from the problems of the current CSA computer systems and, in developing the new child maintenance system, we are adopting a lower risk approach to systems design alongside a suitable testing window before the scheme will be launched.

## **Purpose of this Green Paper**

- 15. This Green Paper describes our proposals for the re-shaping of services that we believe is necessary to deliver better outcomes for families. We have an opportunity to join up existing services and provide genuinely holistic support for families, and to reposition the role of the child maintenance system in delivering the best for children.

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<sup>1</sup> Sir David Henshaw's report to the Secretary of State for Work and Pensions; *Recovering child support: routes to responsibility* (July 2006).

## Chapter One: Changing landscape – supporting separating parents

### Our aim for rebalancing the child maintenance system

1. The Government is committed to supporting families and relationships – encouraging collaborative parenting and an ethos of parental responsibility – placing the welfare of children at the centre of our thinking. We recognise, however, that relationships do breakdown and that the process of separation is a distressing time for the whole family.
2. It is important that families are supported throughout this period to enable them to resolve issues and reach workable solutions, so both parents continue to take responsibility for their families. To achieve this we need to rebalance the system from one that can exacerbate the differences between parents, drawing them down an adversarial route, to one where more families are encouraged and empowered to come together to understand and resolve their issues.
3. The child maintenance system is central to this. In the past, efforts by the State have had the effect of taking responsibility away from parents, instead encouraging them to use a system in which conflict is inherent. In the past parents in receipt of benefits who separated were forced to use the CSA to recoup child maintenance and offset their benefits. We need to go further in rebalancing this system – to embed support for families to make their own, family-based arrangements, at the earliest possible stage so they are able to address issues of finance as they address other issues around shared parenting.
4. We acknowledge that we cannot look at the issue of maintenance in isolation – while this consultation focuses on proposals for the reform of maintenance provision and the statutory system, we must also consider the wider problems faced by families at the time of relationship breakdown. Families need a range of support around the point of separation to enable them to be in a position to reach family-based arrangements. This is often a very difficult and emotional time for families, and we are committed to supporting them through this.

A **family-based arrangement** is one in which both parents agree on how to provide child maintenance for their child, how much and when, independently of the CSA or the courts. It is more flexible than other types of arrangement, emphasises collaboration between parents rather than conflict and helps to keep both parents involved in their child's life after separation.

5. In taking a cross-government approach, working with the voluntary and community sector, we will ensure families, pre- and post separation, are able to access the support they need. Many organisations already do excellent work to support families throughout the period of separation. We welcome your views on how we can better integrate support on maintenance within the range of support services for families. We also look to your views on how families can be better supported in making family-based arrangements.

## **Integrating support to enable parents to make family-based arrangements**

6. It is crucial that families are supported at the earliest possible opportunity in the process of separation. Intervening early can allow families to better understand and resolve the issues they face before differences become intractable. This is preferable, where it is possible, to families being drawn into a process that is costly, potentially divisive and can be prone to labelling parents in a way that is unhelpful to them taking collaborative roles that are in the best interests of their children.
7. Evidence shows that families where both parents are actively involved in the upbringing of their children tend to deliver the best for those children. It is therefore crucial that we take a family-centred approach in the provision of support, to ensure the best possible outcomes for both parents and children, with parents continuing to play a full and active role in their children's lives wherever this is possible.
8. Currently, separating parents too often end up in a potentially adversarial process that is costly to themselves and the taxpayer, and can drive a wedge between them at the expense of both parents' and children's well-being. We are committed to reforming the child maintenance system as part of our wider commitment to support families and encourage collaboration, not widen the gap between parents. Long-drawn-out procedures can add to feelings of distress and uncertainty for everyone involved in the separation of a family – parents, children and wider family relatives, such as grandparents.
9. There has been improvement in these areas. Repealing Section 6 of the Child Support Act 1991, which required parents with care who were on benefits to use the statutory service, was a step in the right direction. Since then, Child Maintenance Options has been set up with a focus on providing impartial information.
10. There has also been a greater focus on non-confrontational family law. For instance, the Ministry of Justice has been looking at ways to increase the use of family mediation which offers real opportunities for resolving matters more quickly and with much less cost, and in such a way that people can maintain good relations. The aim is to minimise parental conflict and reduce the negative impacts on the well-being of any children.
11. Yet we need to go further and mediation is only one possible way of encouraging collaboration. The Ministry of Justice and Department for Education are already sponsoring the independently chaired Family Justice Review, which will publish its interim report in the spring, followed by a final report in autumn 2011. This review is already looking at how we can reform the ways in which families resolve their disputes over contact and residence. Its terms of reference also enable the review to offer proposals on how families can be supported to resolve their own disputes outside court, as well as how court processes can be streamlined and simplified for those who do need a court to resolve their child's future. We believe that consideration of how we manage the statutory system of maintenance, at the same time as the Family Justice Review is considering these wider issues, to be timely.

12. We know that one of the most significant issues for non-resident parents is when contact with their children is denied or withheld. This can lead to tension and hostility between the parents, especially where maintenance is still being collected through the statutory system. We are keen to explore approaches that allow maintenance arrangements to be considered in the round when determining appropriate contact enforcement measures. We recognise, however, that there are challenges in linking maintenance and contact in this way, most importantly how such decisions might impact on the best interests of the child. We also recognise that it is important that this issue is considered within the context of wider reforms that are currently being progressed elsewhere in government. We have therefore requested that the Family Justice Review consider this issue as part of its wider work in developing options for reform of the Family Justice System.
13. We want to encourage collaboration wherever possible, while recognising this will not always be possible and that statutory services will be there for the most vulnerable people in society. We consider in this chapter not only the specific reforms to the child maintenance system, but also invite comment about how these proposals could be modified to best align with the wider support available.

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

## **Embedding maintenance in support services for separating families**

14. We know that separation is an emotional and potentially distressing time, and we recognise there is a wide range of support that parents may need, with information and guidance in making maintenance arrangements being one aspect of this. Parents have to navigate their way through a range of issues, including legal, housing, financial, employment and care for their children under new circumstances. We want support to be available to them on all these issues in a way that is easy to find and easy to use.
15. To help parents resolve their problems we want to move towards a situation where the advice and assistance parents need to help them make their maintenance arrangements can be found alongside other types of advice services they require, increasing the accessibility of the system. We need a more coherent system of advice services, so wherever families turn they can access the support and information they need, and at the earliest possible opportunity.

The **Centre for Separated Families** (CSF) is a national charity that believes that the children who do best after separation are those who have positive input from both parents. CSF works with everyone affected by a family separation to bring about better outcomes for children. It helps both parents to overcome barriers to cooperative parenting and to focus on their children's needs. In this way, it encourages the whole family to work together for the benefit of everyone, no matter what the situation. CSF's services include phone and web-based information and support to families, as well as face-to-face training to the professionals working with families.

16. Currently a wide range of services exist that are available to separating and separated couples which address the numerous issues they may need help with, including their maintenance arrangements. These fall under a range of government departments, local government and the voluntary and community sector. However, there is no one place families can turn to that provides support on the myriad of issues they need to resolve.
17. There are examples of advice services in the UK that have gone some way towards achieving a more integrated approach – making their services more accessible to other providers and the public. For instance, the Child Maintenance and Enforcement Commission's (CMEC's) own Child Maintenance Options has a range of channels that families can access – web-based, phone lines and face-to-face support. Through these it provides a range of impartial information which those in separating families may need on issues beyond child maintenance.
18. However, its primary focus remains child maintenance arrangements. Separating families will have a range of different needs and any offer of advice and support should take account of this and either provide, or signpost parents to, additional information and services. We believe there is particular scope for more fully integrating the emotional support people may need. This emotional support can be crucial in supporting parents to reach a point where they can collaborate on more practical issues around separation. Websites such as 'the Couple Connection' exemplify the sort of innovative support we want to be available to families.

**Case study: Couple Connection**

Thecoupleconnection.net is part of the Family Information Direct programme which provides free and expert information, advice and support to all – mums, dads, grandparents, carers and other adults with caring responsibility and families. It gives parents the tools and support they need to improve their relationships and also the tools they need to help them address the issues they are facing around separation. It offers a range of self-assessment tools, activities, and interactive forums. It has been successful in reaching people who may not otherwise have gained the support they needed – 60 per cent of users say they would not have used face-to-face support.

19. We welcome your thoughts on whether a single website and a single helpline linking up the range of support available online and in local communities for separating families might be appropriate. It could be designed and run by those who have expertise in running such sites – voluntary and community sector organisations for example. It could also build on and complement the existing government and voluntary and community sector services, including the current plans to integrate government web services through DirectGov. They could offer an initial triage for problems, with greater emphasis on self-help tools, encouraging parents to make their own arrangements, but also fully trained advisers to help assess cases and refer families on to the most appropriate support. This would serve to protect the most vulnerable, with a fast-track option for the most distressed families, such as those who have suffered domestic abuse, into the statutory system and on to any specialist support that they may need.

20. However, we recognise that some families will still prefer accessing the face-to-face services that are offered. There are examples where services have done this effectively and we believe it would be useful to better integrate the provision of information and maintenance, and the other advice that families need, with these services. This would help utilise those services with an already proven track record in supporting families to be even more effective in helping those families access the information they need and be supported to effectively resolve their problems.
21. Many of the best Sure Start children's centres already offer relationship support, but we believe there is potential to do more, particularly given the increased focus on families in greatest need and intervening early. For example, where it makes sense locally, more children's centre staff might be trained in evidence based approaches which enable them to detect and respond to parents in relationship distress (during pregnancy, birth and beyond); or children's centres might increasingly work with local partners to provide access to relationship counselling to parents who need it. Local authorities have a critical role here in identifying areas where this is a priority, and identifying resource to help children's centres take on these roles. It could also mean the use of children's centres as hubs providing advice and support on maintenance alongside support on other issues regarding family breakdown. There are examples of these hubs working successfully. Again, we would welcome views on how best to integrate support on maintenance more effectively into this wider system.
22. Those experiencing separation are also likely to go to different places for support. The parent living apart from their children may not think about, or wish to go to, a children's centre. Instead they may go to voluntary and community sector organisations that specialise in supporting separating families. But people are also likely to go to those they trust, perhaps about a different, but related, issue. This might be their doctor, their solicitor, a faith-based organisation or their friends. Given the range of issues families face when separating, there are a range of places they are likely to turn to. If these professionals can be equipped with the information and knowledge of the support services available around separation, we believe more separating families can be signposted effectively to the support they may need.

**Case study: Haverstock Healthcare Ltd. and Routeways – alternative approaches to joining-up services (child poverty pilot)**

In Camden, Family Development Workers have been based in General Practitioner (GP) practices within local neighbourhoods, offering a personal support service to assess a family's level of need and to coordinate their access and support. The Family Development Workers act as the gateway facilitator, assessing needs and supporting families to access support. They use key tools in completing their assessment and signposting to services, including adoption of the 'Common Assessment Framework' for those families requiring targeted interventions.

Location in GP practices is one example of how information can be integrated. In other cases it may be preferable to have a location akin to a one-stop shop. Another pilot in Plymouth has made use of the Routeways Centre to allow partner organisations to meet with separating parents under one roof. This can alleviate much of the stress of having to go from one place to another at a distressing time.

23. Local communities will know best where services should be located to reach separating families, particularly the most vulnerable. In developing a model to empower and enable families to reach their own family-based arrangements we need to recognise that separation is a process, not a single event, and we want support to be available to couples at all stages around the point of separation; to those who have not yet separated, those who are separating, and those who have separated or were never together.
24. Each family that goes through this process will do so in a way that is unique to them. Some will be in a position to collaborate and discuss more practical issues; others will be highly conflicted and need more specific emotional support to allow them to reach the most appropriate resolution for the family, one in which they understand their needs and those of their children.
25. The key challenge, therefore, is how best to integrate support so that families can access it when they are ready and are able to begin to address what can be intractable issues, such as those regarding money.

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

## **Empowering families to reach their own family-based arrangements**

26. As demonstrated above we believe it is important to provide people with the information and support they need to understand what action they need to take. However, we accept that for some people, having the necessary information is only a first step. For some families experiencing separation, advice and guidance in how to make use of this information, particularly when it comes to their finances, will be necessary. For others, the thought of talking problems through with their ex-partner will be daunting.
27. We are not proposing that mediation be made mandatory. However, we believe that support, such as mediation, can play a greater role in assisting parents to collaborate and reach a family-based arrangement that is in the interest of their children. For many this will take the form of emotional support that allows them to understand the needs of their children and the emotional position of their former partner. Through this support they can reach a point where they can talk to their partner and begin to reach an effective agreement on their maintenance arrangements.
28. Those families with multiple problems are those who could most benefit from support services to improve their capability, but they are also often only picked up at the crisis stage. It is important for services such as Sure Start children's centres to reach out to their communities, ensuring that those families whose children are at greatest risk of poor outcomes are effectively identified and engaged early on. Local authorities will play a key role in determining what will work best in their area, including the best use of children's centres.

29. Specialist support that more conflicted families might need could include mediation, parenting programmes and conflict resolution programmes, which encourage collaboration. The most vulnerable families will need specialised support to enable them to reach family-based arrangements where this is possible. However, for some, such as those where there is a risk of domestic violence, collaboration will not be possible and should not be pursued. For these parents the statutory child maintenance system will be available as outlined in the following chapter.

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

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

## Chapter Two: Reform of child maintenance – the Government’s offer to parents and taxpayers

*The Government will reform the system to encourage families to reach their own solution on contact and maintenance wherever possible. However, where parents are not able to make maintenance arrangements themselves the Government will provide a strong and cost-effective service to transfer money to support children.*

### The Government’s starting point for reforms to child maintenance

1. Previous sections have outlined the vision for a vastly improved service which will help parents develop arrangements between themselves. However, it remains the role of the State to provide a route where financial arrangements between parents are not possible and ultimately to ensure parents take financial responsibility for their children.
2. In doing this we wish to build on the findings of the independent 2006 review of the child maintenance system by Sir David Henshaw. His review identified that a new scheme was necessary to address the complexities, inefficiencies and poor IT which had been a feature of child maintenance. At present, the CSA spends around £460 million each year to run the existing statutory schemes and transfers just over £1.1 billion of maintenance. Spending over 40 pence for every £1 moved does not represent value for money to the taxpayer.
3. Therefore we now need to go further in supporting parents and improving the child maintenance system. Our reforms will draw on the original recommendations of the Henshaw Review and new thinking to deliver a scheme that works for both parents, the taxpayer and children in the long term. We will build a child maintenance system fit for the 21<sup>st</sup> century that empowers parents and encourages family responsibility. We will also ensure that as many savings as possible will be driven out during the changes, so that the system is as efficient as it can be.
4. Our proposed reforms to the statutory child maintenance service will be:
  - a. To change the structure of applying for child maintenance to encourage and support choice through a mandatory gateway which will signpost to support and advice for parents to come to their own arrangements.
  - b. Develop further the service that encourages the transfer of monies directly between parents (maintenance direct) and a calculation only service to further support robust and independent family-based arrangements.
  - c. Rebalancing the system further with the introduction of application charges to ensure that in all circumstances, applicants consider their maintenance choices fully by paying a proportion of the cost of their application.
  - d. To reinforce this and to ensure better value for money for the taxpayer, a collection charge will be paid by both the non-resident parent and the parent with care if they use the collection service.
  - e. To impose charges on non-resident parents where enforcement action is required against them to promote compliance with payment of maintenance.

## Supporting choice through a gateway and a calculation service

5. As we have set out in Chapter One, we believe that where arrangements between parents are possible they have significant advantages and will therefore deliver the best outcomes for a significant proportion of people.
6. We therefore want to ensure the statutory scheme reinforces and complements the support we intend to put in place. To do this we intend to take primary legislation to make two additional reforms to the new statutory system.
7. The first of these reforms is to introduce a **gateway**. The purpose of the gateway is to ensure all clients have considered the range of their child maintenance options and that they can be directed into the family support services where appropriate.
8. The gateway would initially take the client through the available maintenance options. Currently, we envisage the gateway will be delivered through a telephone offering. The applicant would be expected to engage with the gateway to consider their choices before they made any full application to the statutory scheme. However, particularly distressed parents, such as those who have experienced domestic abuse, would be fast-tracked through this into the statutory child maintenance system.
9. Where collaboration between parents might be feasible, the gateway would move to a second stage of offering support and guidance in taking that forward, for example, by signposting to appropriate support to make a family-based arrangement. However, a key element of the gateway would be transferring people to family support services where appropriate and available. The gateway will complement the family support available to ensure parents are supported to make arrangements, including child maintenance arrangements, between themselves wherever possible.
10. The gateway will seek to respond to parents' individual needs and not be a rigid process. It will make clear the features for each available option or service – such as any charges applicable. In some cases the gateway will be a step towards an application to the statutory scheme. Where the parent wishes to pursue that and states clearly the reasons why, the conversation about other options available will be closed and they will be assisted in moving to make a full application. As stated above, we envisage this would be the case for instance where the other partner is refusing to engage at all, or has failed to keep a previous arrangement between them, or where there has been a separation due to violence or risk of abuse.
11. We intend to make provision in primary legislation for the gateway and client engagement with it. There is no assumption as to who should deliver the gateway. The organisation which operates the gateway process could be completely independent of the statutory scheme organisation and family support services or they could be interlinked and we would welcome views on this.
12. The second change will be to allow parents to apply for, and the State to provide, a maintenance **calculation for information only** without it creating any liability on the part of a non-resident parent. This is an additional measure to promote and facilitate

co-operation between parents. We do not see this measure as operating in isolation, but rather as a tool for parents as part of wider collaboration. This will be designed to help any set of parents that wish to make a maintenance arrangement between themselves and want an authoritative figure based on all factors as set out in legislation.

13. We anticipate many people becoming aware of and using the service through the gateway and family support services. Furthermore, it is envisaged that access to the calculation only service would come via a gateway conversation to ensure it was bound up with a wider conversation about how to potentially reach a family-based arrangement.
14. This goes beyond the web calculators currently provided by the CSA that rely on clients having full access to a wide range of financial information, some of which is difficult to access and collate. The new calculation only service will have the benefit of being able to draw upon the latest information on non-resident parents' income from HM Revenue and Customs. The additional advantage of the calculation will be the fact that it will have been produced independently by the Government which may support arrangements where levels of trust are marginal.
15. Put together, these two reforms build on the family support services described in Chapter One, encouraging separating parents to make the right maintenance choices for their families.

## **Charging, choices and value for money**

16. Previous sections of this document have set out a wide range of areas where we intend to provide more support in different ways to parents. To facilitate the provision of this support we have also considered how to encourage parents to make the best choices about child maintenance. As part of developing the proposals we have returned to Sir David Henshaw's report on child maintenance and his findings on charging.

*'Under the redesigned system, there is scope for charging parents to use the administrative route to make child support arrangements. This would contribute to the objectives of the new system by incentivising private arrangements, which can be more successful, helping child welfare through increased compliance and reducing the impact on the taxpayer by offsetting operating costs.'*

*'I recommend that charging is introduced to users of the administrative service. This could take a variety of forms. One option is to impose an up-front fee.'*

*'However charges are introduced, the needs of vulnerable parents with care must be taken into account. I do not want to create a disincentive to use the service for those parents who have no other option for agreeing maintenance.'*

(Sir David Henshaw's July 2006 report to the Secretary of State for Work and Pensions; *Recovering child support: routes to responsibility*)

17. We wholeheartedly agree with Sir David Henshaw's findings in this area. In the report he also recommended that further work be undertaken by the Government to consider the options around charging. In drawing up its proposals, the Government has looked further at the circumstances of parents, the potential impact of charging on choice and how we might protect particularly vulnerable groups.
18. This Government wants to focus on joint parenting, empowering parents to move away from costly, adversarial and imposed solutions. As part of this overall strategy we propose targeted charging for the new child maintenance scheme.
19. Our proposals, coupled with a gateway, will move more parents towards considering mutually-agreed family-based settlements, and thereby reduce conflict and increase the chances of parents coming to working co-parenting arrangements. Parents with care report higher levels of contact between non-resident parents and their children when they have made their own maintenance arrangements.
20. Analysis of the CSA caseload suggests a large number of the current 1.2 million CSA cases could potentially consider a family-based arrangement. We know that around 20 per cent of clients on the newer system of the current schemes, who have been positively assessed and are being asked by the CSA for payments, do so by maintenance direct (see below). Around a further one in ten are regularly fully compliant with their payments, without deductions being made from their earnings or benefits separately. Additionally evidence from the Relationship Separation and Child Support study detailed in the box below provides further support for this view.

**Relationships:** People who use the CSA have lots of different types of relationships and there are many for whom a family-based arrangement might be more appropriate. The Relationship Separation and Child Support Study carried out by the National Centre for Social Research in 2008 divided separated families into five broad types. One of these types – 'happy with contact' accounted for one-third of the parents with care using the CSA in those surveyed. These had a friendly relationship with their ex-partners; there was frequent contact by the non-resident parents with their children and they were happy with their level of contact; contact and maintenance arrangements were not really a source of tension and it was fairly easy to discuss financial matters.

Furthermore, 22 per cent of CSA parents with care and 53 per cent of CSA non-resident parents suggested that child maintenance was something that should be agreed with the other parent and a majority of CSA parents with care and CSA non-resident parents (51 per cent and 74 per cent) felt they would be likely or very likely to make a family-based arrangement with the other parent were they to receive help from a trained impartial adviser. This all suggests that a significant proportion of current CSA clients could potentially reach effective family-based arrangements.

21. By encouraging parents to make better choices and take responsibility through increasing consideration of family-based arrangements we will not only deliver better outcomes for families, but also, in addition to efficiency savings in the statutory service, significantly reduce the financial burden on the taxpayer.

22. Our charging proposals will lower the costs of the system further, on top of IT efficiency savings, by reducing the volume of parents using the statutory service where they can agree an arrangement between themselves while preserving this service for those who really need it. As well as reducing running costs we will recoup a small proportion of the costs of processing applications, calculating, maintaining and enforcing maintenance payments. This will remain a heavily taxpayer subsidised albeit more efficient service, but the proposed reforms will ensure that the subsidy is far better targeted towards those who need it.

## Our charging proposals

23. For parents who choose to enter the statutory scheme a **charge will be applied to the applicant**. This will encourage the parent to try and reach a family-based arrangement. The charge, in return for the delivery of a statutory service application, will ensure all applicants have considered at the gateway whether they are able to make a collaborative family-based arrangement instead. This is a central part of our reforms to ensure the child maintenance system supports active choices that will move parents to the right arrangements for them and their children.
24. However, we will need to apply a charge that is also fair and appropriate given the service parents are receiving. For the majority of customers, an application will be good value compared to the child maintenance that will be paid through the case. The average mean yearly maintenance award in the CSA is £1,800 and an average case can be expected to last nine years, which combined would equate to over £16,000 of maintenance over the duration of such a case. Given the long-term financial benefits of child maintenance we believe it is fair and in line with the principles of personal responsibility to ask parents to reallocate a small proportion of their spending so that they can afford an application charge. We will ensure affordability and do not intend to recover the full application charge, which is on average £200. In addition, there are the ongoing costs of transferring and enforcing maintenance payments, some of which will be recovered in the charging principles set out in paragraphs 27-34.
25. We are still considering the level of charges but are looking at the following range to balance fairness to individuals with value for money for the taxpayer:
- An upfront application charge of around £100.
  - 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 if no maintenance is received from the application.
  - A charge of £20–£25 for the calculation only service.
26. Moving towards 2015, a methodology will be developed to take account of the introduction of universal credit and we will publish our proposals for this in due course.

27. To ensure fairness within the system, charges must be placed on both parents where a case is in the statutory scheme's full collection service<sup>2</sup>. Therefore **a collection surcharge on the non-resident parent** will be introduced as a contribution towards the cost of the service. The surcharge will be applied as a percentage of the maintenance amount to be paid.
28. However, if a non-resident parent chooses to make a mutually agreed family-based arrangement they will pay no charges. Once the case is in the statutory scheme the non-resident parent can still avoid paying charges by paying maintenance through the maintenance direct option (where they pay money directly to the other parent and therefore no collection service is used). This incentivises and rewards compliance and therefore parental responsibility. Likewise the parent with care will not pay any collection fee if the case is on maintenance direct. Furthermore if this happens we will not collect the remainder of the phased application fee for a parent with care on benefits.

**Maintenance direct** is a way that parents can make child maintenance payments when they have a case on the statutory schemes, currently operated by the CSA. The Government calculates child maintenance and updates this calculation as required. However, the payment itself is made direct by the non-resident parent to the parent with care, rather than being collected by the Government and distributed to the parent with care.

This is not the same as an arrangement made between parents (a family-based arrangement) because the CSA will have calculated the amount to be paid and the parent with care can return to the full statutory collection and enforcement service if payments are not made.

29. Currently both parents need to agree to use maintenance direct. However, in the future we will seek to change primary legislation to allow the non-resident parent to choose to take the case to maintenance direct. **This will allow the non-resident parent to not pay an ongoing collection surcharge as long as they are prepared to pay through maintenance direct on time and in full.**
30. Should a non-resident parent choose maintenance direct and then not make payments as scheduled, we will move swiftly to bring the case back into the collection service and take enforcement action to ensure payments are made with the ongoing surcharge being imposed on the non-resident parent. The resulting **payment by the non-resident parent for surcharges will be the result of their choices or non-compliance.** The imposition of surcharges on non-resident parents is therefore fair.
31. **A deduction will be applied to maintenance collected for the parent with care** as a contribution to the ongoing costs to the State of collecting and enforcing the maintenance payments on their behalf. As the beneficiary of the statutory service, it is fair that the parent with care pay a small proportion of the cost of administering and collecting monies for an average case.

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<sup>2</sup> The collection service is where the Government arranges and collects payments from the non-resident parent and pays out to the parent with care.

32. We are still considering the level of collection charge, but are looking at the following ranges for both parents which will aim to balance fairness between parents:
  - between 15 per cent and 20 per cent on non-resident parents; and
  - between 7 per cent and 12 per cent on parents with care.
33. As per the non-resident parent surcharge we will not impose the collection charge where monies are being paid through the maintenance direct option. This will act as a further encouragement for both parents to reach a family-based agreement.
34. Additionally, we will charge the non-resident parent when enforcement measures (for example, an order of sale for property) are used. This will ensure that the charging structure reinforces expectations of parental responsibility.
35. In Chapter One we outlined the improved support services that will be available to parents, and Chapter Three will provide detail on improvements to the system through the implementation of a new IT system. In return for fees paid we will also be looking to develop a set of customer standards to provide assurance of the level of service provided to those who use the full statutory scheme. This will build on the standards that have been developed for the current scheme.

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

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

## **Treatment of the most vulnerable groups**

36. We believe the proposals put in place provide checks and balances to ensure the gateway would help and not hinder vulnerable people to make the appropriate maintenance arrangements. The gateway will ensure that where a parent identifies a clear need for a statutory arrangement they will be helped to make that application. Additionally, where appropriate, the gateway will move the parent towards wider available support.
37. We will ensure that there is cross-referral between different services to ensure individuals, especially the most vulnerable, are able to make suitable child maintenance arrangements and receive the support that best meets their needs. We will explore how to do this best working from the client perspective of interacting with the State and voluntary provision. For example, this means creating clear routes where clients apply for universal credit and access health services for them to be helped into maintenance arrangements and given access to wider support.

38. Those who are leaving relationships where there has been violence or a risk to the child are also a group for whom we wish to tailor our proposals appropriately. As well as working directly with stakeholders, the Department will be working across government to ensure its approach in this area is fully consistent and builds on the Government's strategic vision set out in 'Call to End Violence against Women and Girls' (25<sup>th</sup> November 2010). As part of this approach victims of domestic violence will be exempt from the application charge.

**Question 7: How should the proposals in Chapter Two be tailored for separating families where there has been violence or a risk to the child?**

## **Chapter Three: Moving to the new child maintenance system**

### **A new child maintenance system**

1. Within the context of a tight spending review settlement we can announce we will continue to invest in order to build a new child maintenance IT system and deliver a new scheme. At the heart of this scheme will be a new fully functional computer system, along with a link to the tax systems.
2. The new child maintenance system is being designed to deliver meaningful and obvious improvements for our clients. For the first time, cases will be reviewed on an annual basis to ensure they are kept up-to-date and assessments are based on the latest available income of the non-resident parent, usually accessed directly from Her Majesty's Revenue and Customs' tax systems. This will minimise the burdens on both parents while also stopping parents avoiding their responsibilities by failing to provide details of their income. Parents will also be able to manage and update their case details and payments online much more than at present, making the service easier to use.
3. This scheme will also deliver significant value for money savings to the taxpayer. There are continuous problems with the current CSA computer system, not least the creation of cases that become partially or fully stuck and then need costly handling off system. The new IT scheme will address this and other problems and we project in itself it will significantly improve value for money compared to the current systems.

### **Reducing the risks of implementation and the timetable for delivery**

4. We are extremely mindful of the mistakes of the past in launching under prepared and ultimately poorly performing child maintenance systems. Therefore, we are consciously taking a lower risk approach to the new scheme and the additional reforms outlined in this chapter.
5. To ensure the future scheme computer systems and links with HM Revenue and Customs are fully tested, we will launch the scheme in 2012 for new customers and close the CSA to new applications. This will enable a sensible window for the systems to be fully tested prior to the scheme being launched to existing CSA clients. This will avoid the mistakes that were made at the time of the introduction of reforms and a new computer system in 2003.

6. Furthermore, we intend to have at least a six-month period of live running with new cases before we introduce charging and start to move the first cases off the old CSA systems. This is good practice both in terms of minimising the risks of implementation and additionally because it will also ensure we can make the case to clients that the new scheme is working well and provides a better service before we start to charge them for using it.
7. There are several major strands of legislation that will be taken forward to underpin the changes outlined in this chapter. This will include primary legislation to allow the gateway and calculation only service to go forward (see Chapter Two). Our intention is to begin to put forward primary legislation in 2011. During 2011 we will also develop:
  - Drafts of regulations covering the calculation of child maintenance under the new scheme.
  - Drafts of regulations covering the charges to be applied.
  - Drafts of regulations covering the closure of CSA cases.
  - Drafts of regulations covering how monies will be deducted from earnings under the new scheme. This will update current regulations dealing with deductions from earnings under the CSA schemes.

Our intention is to lay before Parliament a single package of regulations for the new scheme including the closure of CSA cases before the end of 2011. Because this will contain 'affirmative' regulations the package should be subject to debates and votes in both Houses of Parliament.
8. In co-ordination with developing the legislation, the systems and organisations needed to deliver these reforms will be built and tested. This will facilitate the 2012 go-live of the new scheme.

## **Closure of existing CSA cases**

9. Of the approximately 1.2 million cases currently being administered by the CSA, some parents have made a choice to enter the statutory scheme and some have been compelled to do so. For both of these groups (despite the removal of compulsion from the system) inertia tends to keep them in the statutory scheme and the requirements of the statutory scheme often perpetuate an adversarial relationship between parents. As set out in the previous chapter, the level of cost to the taxpayer of the CSA is not sustainable and the new policy framework will build stronger family relationships for the future at a reduced cost to the taxpayer.
10. The process of closing existing CSA cases will provide an opportunity for a step change in parental attitudes towards the payment of maintenance. 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 but for those who cannot they will be able to access the new, more efficient statutory service.

11. For those parents who need state intervention to ensure that maintenance flows to children, the statutory scheme will remain as a backstop for cases where family-based arrangements are not appropriate or have broken down.

## **The process of closing CSA cases**

12. The closing of existing CSA cases will take around two years. All current CSA clients will be told that their cases are being closed. This will happen in tranches, phased over the two-year period; we will consult on the detail of this process and the order in which cases will be selected for closure in summer 2011.
13. We will write to parents with care to tell them that their CSA cases will be closing. At the same time the parents with care 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 new scheme. They will then be given some time to reflect on the choices available to them (with access to appropriate support and guidance if they apply for it). We will only close a case three months after the parent was first contacted and by then they will have had to make a choice and apply to the new child maintenance scheme if they wish to continue in the statutory scheme. We will pay special attention to supporting vulnerable families through this process, building on referral arrangements we already have in place with Jobcentre Plus and Her Majesty's Revenue and Customs.
14. One month before the CSA case closes, we 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 gateway process for the new scheme if either of them wishes to apply.
15. Those who decide to continue in the statutory scheme will do so by making an application in the same way as a new applicant. We believe only those who remain unable to reach a family-based arrangement should apply to the new child maintenance scheme. We propose to put a fee structure in place to encourage this behaviour and to spread the burden (of ensuring that obligations to children of financial responsibility are properly discharged) appropriately between the taxpayer and the parents involved.

## Chapter Four: Questions

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

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

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

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

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

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

**Question Seven:** How should the proposals in Chapter Two be tailored for separating families where there has been violence or a risk to the child?

## Annex – Seeking views

### Purpose of the consultation

1. This discussion document seeks views to inform our thinking on how best to support the Government's strategy for reforming the child maintenance system. It is based on the Coalition Government's principle of enabling and supporting families. We would like to hear from all who are interested. Following the outcome of this consultation, we propose to publish a government response outlining the way forward.

### Duration of the consultation

2. The consultation period begins on 13 January 2011 and runs until 7 April 2011.

### Consultation arrangements

3. Please send your consultation responses to:

**Child Maintenance Sponsorship and Strategic Policy Division**  
**Department for Work and Pensions**  
**1st Floor Caxton House**  
**Tothill Street London SW1H 9NA**  
**Email: [strengtheningfamilies.consultation@dwp.gsi.gov.uk](mailto:strengtheningfamilies.consultation@dwp.gsi.gov.uk)**  
**Telephone: 020 7449 5723**

4. Please ensure your response reaches us by 7 April 2011. We will acknowledge all responses. Please say whether you are responding as an individual, or on behalf of an organisation. If on behalf of an organisation, please make clear who the organisation represents, and how the views of members were obtained.
5. Copies of this publication can be made available in alternative formats if required. We will publish the responses to the consultation in a report on the consultations section of our website [www.dwp.gov.uk/consultations](http://www.dwp.gov.uk/consultations). The report will summarise the responses and our next steps.

### Freedom of information

6. The information you send us may need to be passed to colleagues within the Department for Work and Pensions, published in a summary of responses received and referred to in the published consultation report.
7. All information contained in your response may be subject to publication or disclosure if requested under the Freedom of Information Act 2000. By providing personal information for the purposes of the public consultation exercise, it is understood that you consent to its disclosure and publication. If this is not the case, you should limit any personal information provided, or remove it completely. If you want the information in your response to the consultation to be kept confidential, you should explain why as part of your response, although we cannot guarantee to do this.

8. More information about the Freedom of Information Act can be found on the Ministry of Justice website: <http://www.justice.gov.uk/guidance/freedom-of-information.htm>

## The consultation criteria

9. The consultation is being conducted in line with the Government's Code of Practice on Consultation <http://www.bis.gov.uk/policies/better-regulation/consultation-guidance>. The seven consultation criteria are:
- **When to Consult.** Formal consultation should take place at a stage when there is scope to influence the outcome.
  - **Duration of consultation exercises.** The Government's Code of Practice on Consultation recommends a minimum 12-week consultation period for public consultations.
  - **Clarity of scope and impact.** Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence, and the expected costs and benefits of the proposals.
  - **Accessibility of consultation exercises.** Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is designed to reach.
  - **The burden of consultation.** Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.
  - **Responsiveness of consultation exercises.** Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.
  - **Capacity to consult.** Officials running consultation exercises should seek guidance in how to run an effective consultation exercise, and share what they have learned from the experience.
10. An online version of this consultation will be available shortly after the publication. You can access this from the website: <http://www.dwp.gov.uk/policy/child-maintenance/>

## Feedback on this consultation

11. We value your feedback on how well we consult. If you have any comments on the process of this consultation, for example, how it could be improved, but not about the issues raised, please contact our Consultation Coordinator:

**Roger Pugh**

**DWP Consultation Coordinator**

**1st Floor Crown House**

**2 Ferensway Hull HU2 8NF**

**Email: [roger.pugh@dwp.gsi.gov.uk](mailto:roger.pugh@dwp.gsi.gov.uk)**

## **Impact assessment**

12. The purpose of this discussion document is to inform the general direction of reform in the child maintenance system. We will assess the impact of the proposals in the Green Paper and will publish an Impact Assessment. We will be considering equality impacts and we will produce an Equality Impact Assessment. During the consultation process we would welcome views on the impact of the ideas on the people covered by equality legislation.







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