

**Department for Work and Pensions**

**Research Report No 380**

# **Future policy options for child support: The views of parents**

**Adele Atkinson, Stephen McKay and Nicola Dominy**

A report of research carried out by Personal Finance Research Centre, University of Bristol on behalf of the Department for Work and Pensions

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The analysis and commentary in this report are those of the authors and do not necessarily reflect the views of the Department for Work and Pensions. Any errors remain entirely the responsibility of the authors.

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# Glossary of terms

<b>Assessment</b>	Working out how much child maintenance must be paid under the old rules. It is also called a child maintenance assessment and a maintenance assessment.
<b>Administrative Officer</b>	A civil service grade, typically the first point of contact for most people contacting the Child Support Agency (CSA).
<b>Calculation</b>	Working out how much child maintenance must be paid under the new rules. It is also called a child maintenance calculation and a maintenance calculation.
<b>Child Maintenance Premium</b>	The Child Maintenance Premium allows a person with care who is on Income Support or income-based Jobseeker's Allowance to keep up to £10 per week of any maintenance paid. If maintenance payments are less than £10 a week, a person with care keeps all of the maintenance paid.
<b>New system</b>	The new Information Technology system introduced as part of the reforms.
<b>Old system</b>	The Information Technology system in use before the reforms, and currently still being used alongside CS2.

<b>Deduction from Earnings Order</b>	If an employed person fails to pay their maintenance, the CSA can order their employer to make deductions direct from their pay. For clients in the UK Armed Forces this is known as a 'Deduction from Earnings Request' (DER), with different provisions for amounts that may be taken.
<b>Default Maintenance Decision</b>	A decision made under the new scheme when the information needed to work out a maintenance calculation cannot be obtained straight away. (Under the old system sometimes Interim Maintenance Assessments (IMA) were made.)
<b>Good cause</b>	Good cause means that there would be a risk of harm or undue distress to the parent with care or the children if the CSA tried to arrange child maintenance. Parents with care who think that this may apply to them should tell the staff at their Jobcentre Plus (benefits) office.
<b>Jobcentre Plus</b>	An agency of the Department for Work and Pensions, responsible for the payment and administration of social security benefits for those of working age.
<b>Maintenance Direct</b>	Maintenance calculation initially carried out by CSA. The non-resident parent then makes payments directly to the parent with care with no further involvement of CSA unless requested by either parent.
<b>Non-resident parent</b>	A parent who lives in a separate household from the parent with care and qualifying child(ren) for whom they are liable to pay maintenance under the Child Support Act. Where parents have shared care, the parent who has the children for the shorter period is regarded as the non-resident parent. If the children spend an equal number of nights with each parent then the non-resident parent is the one who is not getting Child Benefit for the child(ren).

**Parent with care**

A parent (natural or adoptive) who lives in the same household as the child(ren) for whom maintenance is sought. Somebody other than a parent who has day-to-day care of the child(ren) is a person with care.

**Qualifying child**

A child for whom Child Support Maintenance is payable under the Child Support Act.



# Summary

## Introduction

The Personal Finance Research Centre at the University of Bristol was commissioned by the Department for Work and Pensions to provide independent evidence of parents' views of possible policy options for reforming the Child Support Agency (CSA) under a tight deadline of just two months.

In the report we summarise the views of 31 parents who attended one of five focus groups held in May and June of 2006. We also draw on other research and personal observations to discuss the wider implications of particular options.

## Study method

In all, we conducted five focus groups in the city and suburbs of Bristol, in May and June, 2006. These consisted of two groups with parents with care (PWC), one with non-resident parents (NRP), one with a mix of CSA clients; and one with intact families. Focus groups enable researchers to guide conversations over a range of topics. By using thematic analysis grids we were able to look at the variety of responses and identify those views that were expressed most frequently; i.e points in which there was consensus. This qualitative research method is particularly good at gauging reactions to new ideas, and allowing people to develop those ideas in ways that reflect their own experiences and circumstances. The results are not meant to provide an indication of the **proportion** of people who may react in a particular way, and the findings cannot necessarily be generalised. They are, however, invaluable in that they expose possible issues that may not be apparent to those contemplating, designing or implementing new strategies.

## Parental responsibilities

We know from large-scale surveys that attitudes towards child support tend to follow the general principle that biological fathers have financial obligations towards their children – but this attitude is often qualified by reference to individual circumstances and levels of contact between the NRP and their child.

Most of the focus group participants felt that the maintenance calculations should take into account the circumstances of both parents, since both were responsible for the support of their child. There was no clear consensus about triggers for re-assessment following changes in circumstance, or the types of income (such as basic pay, overtime, unearned interest on savings) that should be taken into account when calculating maintenance obligations.

It was generally felt that some NRPs would not be able to afford to pay child support, but some parents felt that these NRPs could make other types of contribution, such as playing with their children or caring for them whilst the PWC worked.

Amongst the participants there was a general (but perhaps naive) perception that threats of violence should not prevent payments being collected. The main reason stated for holding this view was that the parents did not have to interact with each other when they used the CSA to collect maintenance, but it was apparent that respondents did not contemplate the other times when parents might meet, such as contact visits.

Views about the responsibility to pay child support in the event of an unplanned pregnancy were polarised. Some people felt that all men should be responsible for the consequences of their actions and making their own arrangements for contraception, whilst others felt that if the man had been entrapped by the woman becoming pregnant, he should not be forced to pay maintenance. Nobody considered the rights of the child in such a situation.

There was little support for the current system of reducing maintenance obligations if the NRP had other children living with them; particularly if they were stepchildren.

## Contact

Participants believed that regular contact between parents and their children is beneficial, but there was a small amount of resistance to sharing care equally or splitting up siblings, because these options appeared to be putting the needs of the parents above those of the children. This was one of the few times that people considered the needs of children during the focus group discussions.

There was confusion amongst parents about the role of the CSA in relation to contact. This appeared to be, at least in part, due to their inability to separate the issues of payment and contact in their own minds. Contact was by far the most important factor **expected** to influence payments.

There were a number of issues discussed in relation to payment and contact. First and foremost, it was noted that control of payments allows NRPs to use payment as leverage for more contact, and control of contact allows PWCs to use contact as leverage for more money. Following from this was the issue of parents having no contact at all. It was felt by many participants that parents who opt-out of their children's lives should pay the full amount of maintenance due whilst parents who are refused access should not have to pay.

Additional complexities were identified where parents had some regular contact. The main message was that parents who spent time with their children might benefit from lower payments, but that this could create perverse incentives for the PWC to reduce contact, and antagonise NRPs who were refused contact. Parents also felt that shared care rules ought to change to reflect the share of costs met by each parent

## The role of Government

Participants favoured a light touch from Government for the majority of cases, with the possibility of a heavier-handed approach in the event of non-payment.

We discussed with parents a range of possible policy changes that potentially could be implemented by Government, and summarise the responses below.

### **Should maintenance be disregarded for benefits purposes?**

Most parents were not fully aware of the current CSA rules in relation to PWCs on benefits, and so did not realise that maintenance is currently offset against benefits. However, some of the PWCs in receipt of benefits were finding ways of receiving maintenance payments without the CSA being involved (typically by asking the NRP to buy specific items). A change in the rules would enable them to do so openly.

Views on offsetting were mixed. For the most part parents tended to think that it would be appropriate to change the current rules so that PWCs in receipt of Income Support were allowed to keep all the child maintenance paid by the NRP. Some, however, were concerned that the overall income of the PWC should be monitored (especially if they were receiving large child support payments) as they felt there was a point at which it was no longer appropriate for PWCs to get Government support.

It has been suggested that NRPs may be more inclined to pay child support if the money went to benefit their child, rather than being offset against benefits. However, whilst this clearly caused frustration amongst NRPs, there was no strong feeling that a change in policy would increase compliance amongst **non-paying** NRPs. At best it may be expected to increase good-will amongst compliant parents and the CSA.

### **Should maintenance be disregarded for Tax Credit purposes?**

Parents found it harder to discuss child support in relation to Tax Credits than Income Support, possibly because they did not see Tax Credits as a 'benefit'. Most agreed with the current system of allowing parents to keep all of the maintenance money if they were receiving Tax Credits. They accepted that total income varied by household, and therefore, saw no reason to offset maintenance to equalise incomes. PWCs were also keen to point out that their household budgets relied on both Tax Credits and maintenance money.

### **Should Government encourage agreements between parents?**

Parents generally felt that most people **could** and **should** come to a mutual agreement about child support without the involvement of an outside agency. However, there was some acknowledgement that this relied on an amicable relationship between parents.

There was some indication amongst the small number of parents in intact families that some members of the public may have unrealistic expectations of separating parents' ability and willingness to negotiate maintenance agreements.

Parents in general were more realistic about the possible outcomes of private agreements between parents. Some acknowledged that more freedom to negotiate may lead to outcomes that are **not** in the best interest of individuals or the Government. They also realised that agreements may fail for a number of reasons, including changes in contact arrangements and feelings of being treated unfairly. Because of the potential for failure they recognised that payments made between parents should be recorded and monitored in some way, possibly along the lines of Maintenance Direct.

Participants commented that it would be helpful for parents to work with an adviser when they negotiated a maintenance agreement, but that this person must be prepared (and perhaps empowered) to **tell** parents what to do if they could not reach a compromise.

### **Should parents be compelled to use the CSA?**

There was no support for a universal system for collecting child support that all parents living apart are compelled to use. This reflects a strong preference amongst participants for the Government to expect and encourage parents to negotiate maintenance between themselves. Participants preferred the notion of the Government only providing back-up to parents who could not come to an agreement because they felt that this would make best use of limited resources.

### **Government back-up**

Most respondents felt that if a mutual agreement failed, then the next step was to get 'something in writing'. They variously commented that courts, advisers or Government could provide this kind of support for parents. There was a very clear message that if the Government provided such a service then it should be free. However, if charges were made, it would be most acceptable to both PWCs and NRPs to charge non-compliant NRPs; this was seen primarily as a **penalty** for getting to this point.

Whilst parents did not comment on this, we are concerned that blanket charges may increase levels of non-compliance, since they would create an additional financial burden for NRPs. We were also slightly surprised that nobody saw the introduction of fees as a way of deterring parents from using the agency when they were capable of making their own arrangements. This may indicate that they see such a service as one of last-resort.

### **Should Government bear the risk of NRP non-payment?**

We asked parents whether the Government should guarantee maintenance payments. This was a novel idea to most; they had not considered letting the Government, rather than the PWC, bear the risk of non-compliance. However, their considered responses indicated little support for the idea. In particular, low income parents were worried about the stigma of receiving more Government support.

Higher income parents were more likely to welcome the suggestion of a Government maintenance guarantee, but it was clear that they would need the guarantee to cover their whole maintenance payment so that they could continue to meet their financial commitments, something that could prove costly. This was discussed in terms of the Government lending the PWC the money, but the NRP being responsible for repayments.

Participants felt that if the Government had money that **could** be used to guarantee maintenance, it would be better used to increase compliance.

Some NRPs disliked the fact that guaranteeing maintenance payments would remove the opportunity for them to use their payments as leverage for improved contact arrangements. However, we would suggest that this may be seen by others as a benefit as it could serve to break the link between payments and contact.

### **Should we return to a court-based system?**

Nobody spontaneously suggested returning to a court-based system, because most thought that going to court would be prohibitively expensive. Those with experience of the legal system had often found it costly, and experiences of the legal system were mixed; a few were very pleased with the service and outcome, whilst others were dissatisfied because they believed they had received poor service. We also felt that some participants had been given poor advice, based on the information they gave us.

Whilst there was little enthusiasm for returning to a court-based system, it was interesting that there was some acceptance that use of legal services should incur a charge, even though participants felt that a similar service provided by the Government should be free.

## **Paying and receiving child support**

### **Collecting and distributing payments**

Some parents commented that child support could be collected alongside taxes. On discussion, others agreed that collecting child support through taxes appeared to be a logical approach but it was criticised by some NRPs for making payments seem less personal. Furthermore, some PWCs told us that it would be easier to know whether they had received the maintenance payment if it was received as a separate payment, and this was important to them. However, they also commented that

experience showed that the more agencies that they had to deal with, the more delays they faced. This suggests that they may benefit from dealing with a single agency for all their needs.

### **Spending child support payments**

According to PWCs, child support was typically spent on housing and utilities, food and clothing, and low income parents in particular spent child support payments on essentials.

Higher income PWCs felt under pressure to maintain the lifestyle that their children were accustomed to. Some expenses, such as school transport, that had been agreed whilst couples lived together had become a heavy burden for lone parent families. Such pressure was not alluded to by NRPs, perhaps because they believed that their payments **were** maintaining the child's standard of living, or because they did not see it as an issue at all.

### **Controlling the use of maintenance payments**

There was a perception amongst NRPs that some PWCs did not spend child support payments on their children. We believe that there may be some benefit in informing NRPs and PWCs about the intended purpose of child support when maintenance obligations are agreed. Alternatively, if the Government moves towards mutual agreements, the final agreement could include ways in which the money is to be spent.

Some parents said they were happy to consider receiving vouchers as an alternative to cash payments of child support, but there are important arguments for leaving parents to decide for themselves how money should be spent – we suggest that this is seen as a sign of willingness to consider negotiation about the ways in which money is spent rather than as a policy suggestion.

Some NRPs also felt that paying maintenance directly into Trust Funds could provide a useful means of ensuring that children benefit from child support. As with vouchers there are important issues related to limiting the uses of child support in this way. In particular it would put additional pressure on PWCs to find the money to pay for day-to-day items for their children.

### **Compliance and enforcement**

Whilst most of the CSA clients that we spoke to were receiving or paying the maintenance due, there was a clear sense of frustration about the apparent lack of effort by the CSA in finding NRPs and enforcing payments. They felt that more money should be put into investigating circumstances, perhaps through the hiring of 'investigators' similar to those used by insurance companies, and into physically searching for people rather than relying on computer systems across Government Departments.

Participants felt that it was appropriate to access NRPs funds directly in cases of non-compliance. They felt that money should be collected directly from salary or from bank accounts. There was also an indication that some parents felt non-payers should be made to feel ashamed.

## Help and advice

Parents commented that they might have benefited from general help and advice if they had been available when they first had a child, or when they separated. As the focus group participants were keen to see the Government support greater negotiation between parents, we felt that it would be useful to know about the advice they themselves had sought, and the advice that they felt was needed.

We found that the uptake of services depended on being aware that the service existed, the extent to which the service on offer was appropriate to the needs of the parent, and its accessibility in terms of both the method of contact and whether the hours of opening could accommodate parents other commitments.

Where they had sought advice, parents had typically consulted their GP, solicitor or local citizens advice bureau for advice. In the absence of formal support, they had turned to friends and family for help

Those parents who did ask for help sometimes commented that services did not typically refer people on to other forms of support; if they needed additional help they were forced to search for it themselves. Some group participants had also found that services that offered support and advice across a breadth of issues appeared unable to meet demand. None of the participants had looked to the CSA for help or advice, and they did not suggest the CSA as a possible source of advice.

### **Type of help needed in the future**

Parents felt that there was a need for a single, neutral information and support service. This service should deal with a wide range of topics including finances, mental and physical health, legal issues and practical advice. Parents would value such a service in any event, but we feel that it would be particularly important if policy moved towards increased levels of negotiation between parents around child support and/or contact.



# 1 Introduction

In this introductory chapter we outline some of the background to this research study. We briefly discuss the research methods and objectives, and describe some of the previous history of child support in the UK, particularly the Child Support Agency (CSA).

## 1.1 The study

### *Summary*

- This report analyses parents' views of different options for reforming child support.
- We explore the views of 31 parents who attended one of five focus groups held in May and June of 2006.
- Large-scale surveys show that attitudes towards child support tend to follow the general principle that biological fathers have financial obligations towards their children – but this attitude is often qualified by reference to differences in individual circumstances.
- Parents often see linkages between parent-child contact and NRPs paying maintenance.

This report analyses parents' views of different options for reforming child support. We explore the views of 31 parents who attended one of five focus groups held in May and June of 2006. In particular, we provide insights into the views and preferences of parents and the reasons why they may prefer or dislike particular policy options.

In this report we use the current CSA terminology for referring to types of clients, although we are aware that the terms are not universally accepted as they seem to ignore some patterns of shared care. For the purpose of the report, those clients who are in receipt of child benefit and are entitled to claim child support are referred to as the parent with care (PWC). Those who do not receive the child benefit are referred to as the non-resident parent (NRP), irrespective of the number of nights that the

child stays with them. We use the convention of referring to a PWC as 'she' and an NRP as 'he' unless there is a particular reason to comment on the gender of the respondent. This reflects the gender split of the PWCs and NRPs currently involved with the CSA.

We begin the report with a brief description of the CSA since its creation in 1993. In Chapter 2 we describe the methodology used for the research. The substantive part of this report then follows, and is split into four chapters. In the first of these we describe how parents view the responsibility to provide children with financial and emotional support. We then consider the extent to which Government should be involved in providing an assessment and collection service for child maintenance payments. In Chapter 5 we discuss methods of collecting and distributing child support, describe how parents spend child support, and how NRPs feel it should be used. We also consider the issue of enforcement in this chapter. Chapter 6 considers a parent's need for help and advice when they face parenting alone. We discuss some of our findings in Chapter 7.

## 1.2 Child Support Agency – background

The CSA was created in 1993, with the role of implementing the Child Support Act 1991 and subsequent legislation. Previously, child support had been dealt with through courts (for divorcing couples) or the (then) Department of Social Security Liable Relative officers.

The 1991 Act adopted a complex formula for calculating the maintenance that should be paid by NRPs. Its apparent aim was to set a 'fair' level of maintenance by reference to a wide range of circumstances. Further adjustments were introduced following '*Improving Child Support*' (1995), aimed to optimise fairness still further. The 1995 changes included allowances for previous capital settlements and the travel distance between absent parent and child.

Throughout the 1990s the CSA had a poor record both of setting maintenance accurately and collecting it regularly. The maintenance assessment was not widely supported by parents, let alone understood, and compliance was not high. As a result, it was decided to reform the system. In particular, it was believed that a simpler formula for calculating maintenance would free staff from the business of collecting information and instead permit greater time for collection and enforcement duties.

The recent reform was embodied in the Child Support, Pensions and Social Security Act 2000. The legislation included sweeping changes to the rules (the 'scheme'). Internal to CSA there were also major reform programmes covering the telephony and the IT (the 'system').

The reforms were implemented in 2003, but initially only applied to new clients and are still not applicable to everyone. As a result, the CSA runs both schemes concurrently, using both sets of rules, and two very different computer systems (as well as some cases tackled offline in a clerical manner). The scheme rules are significantly different and it is very likely that parents in ostensibly similar circumstances may be paying or receiving rather different amounts in maintenance.

Under the new rules NRPs are required to pay simple percentages of net income (15 per cent for one child, 20 per cent for two, 25 per cent for three or more). The simplified rules should also help parents to make agreements between themselves based on the easily understood CSA calculations. Indeed, the CSA website provides an online calculator that would cover most families' circumstances.

There are other differences between the initial child support scheme and the new scheme. For example, clients receiving maintenance under the old rules have their Income Support reduced by the full amount of any maintenance (although there was an incentive scheme built into the old system to encourage PWCs to return to work, called the Child Maintenance Bonus.<sup>1</sup> Under the new scheme PWCs receiving Income Support are allowed to keep the first £10 of any maintenance received each week. This is called the Child Maintenance Premium.

In addition to the changes in rules for calculating maintenance due, the new regulations have also introduced further legal sanctions to be used against NRPs who do not meet their child support obligations. These include fines of up to £1,000 and formal legal proceedings. There also remains the option of deducting maintenance directly from pay (Deduction of Earnings Order (DEO)). Together these sanctions are intended to ensure regular, full payments from those who are currently only partially compliant, as well as enforcing compliance amongst those who are paying nothing.

A review of the child support reforms was recently completed by the National Audit Office (2006). They identify considerable difficulties with the CSA, and among other results found that a quarter of new applications received since March 2003 were still waiting to be cleared, whilst over 900,000 cases were still being dealt with under the 'old rules'.

### 1.3 Public attitudes to the principles of child support

Attitudes towards child support tend to follow the general principle that biological fathers have financial obligations towards their children, in line with child support legislation. Over four-fifths (81 per cent) of adults believe that fathers should always pay child support, with 84 per cent saying this should be linked to father's earnings,

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<sup>1</sup> Child Maintenance Bonus: Under the old scheme, a PWC who returned to work after a period of being in receipt of Income Support would receive a lump sum payment that was based upon the prior accumulation of maintenance payments (paid by the NRP but not initially forwarded on to the PWC).

and 80 per cent agreeing that non-paying fathers should be penalised (Peacey and Rainford, 2004).

But this apparently strong attitude is often qualified by reference to differences in circumstances. For example, when asked (in the British Social Attitudes Survey) what should happen if a (female) PWC remarries: 51 per cent think payments should continue, 13 per cent say they should stop, while 33 per cent say it depends on the new husband's income (Kiernan, 1992). Analysis by White (2002) and Peacey and Rainford (2004) also finds that many people believe the income of the PWC should count in assessing child support, and very poor NRPs should be exempted from paying. There is also evidence (from the Scottish Social Attitudes Survey 2004) that many people believe that the income of any stepfather should be taken into account in calculating the maintenance due from the non-resident father.

International findings suggest that similar beliefs are held in other countries. For example, similar findings have emerged from recent research in Australia intended to feed into their recent reform process (Smyth and Weston, 2005). This study found that many people thought that contact and child support should be linked – those blocking access should not receive child support, according to narrow majorities of people (including PWCs). Conversely, in this Australian study, most people did not believe that NRPs should pay less in child support if they had more children (let alone stepchildren) to support (albeit a small sample of NRPs held the converse view). Each of these points is in opposition to current child support legislation in the UK.

It is, of course, important to remember that a range of factors could impact on attitudes, some of which will be country specific. Whilst it is valuable to understand international perspectives, it is not necessarily appropriate to accept them on face value without understanding the context. Despite this, we firmly believe that lessons can be learned from looking at the ways in which other policy makers respond to similar issues, and the public attitude to such responses.

Internationally, researchers have found that parents who accept their own responsibility to support their children may still be reluctant to comply with maintenance orders, particularly when they do not believe the money is being spent on their children, either because it is offsetting benefits, or because the PWC appears to be spending it on themselves (Parkinson et al, 2003, Alderson-Gill and Associates Consulting Inc 2003). Atkinson and McKay (2005) also found this to be the case in England.

## 2 Study method

### *Summary*

- Focus groups provide valuable indications of reactions to suggestions for change, but their results cannot easily be generalised.
- The five focuses conducted comprised two groups with PWCs, one with NRPs, one with a mix of Child Support Agency (CSA) clients; one with intact families. All lived in the Bristol area.
- CSA clients were given the opportunity to opt out; groups were run with two researchers facilitating; groups were recorded and the discussions transcribed; thematic analysis was then conducted.

We used focus groups to collect the views of parents about some possible future policy options for child support. Focus groups typically consist of between six and ten participants selected for their relevance to a particular topic. These participants are guided through a series of discussion points by a trained facilitator and are encouraged to share ideas, perceptions and suggestions on the topic of interest. This approach is widely used to gather opinions and ideas from a range of people relatively quickly, and was felt to be the most appropriate method in this instance.

We held five focus groups in May and June, 2006, each moderated by two skilled researchers. The same topic guide was used for each group, but the moderation style remained flexible in order to fully explore the issues of most relevance to the different groups.

Focus group participants were told that the discussion would be recorded at the time they were recruited, and were reassured that the recording would be held by the University of Bristol, and would not be shared with the Department for Work and Pensions (DWP) or CSA. We also reassured them that they would not be identified in this report or other output of this research.

The recordings from each of the focus groups were transcribed verbatim. The data was processed using thematic grids, which allowed us to look for commonalities and variations in responses across groups, and to pick up comments related to the key areas of interest.

As with all qualitative studies, it is not possible to extrapolate from the findings and give a meaningful measure of the number of people holding certain views. Rather the data should be seen as an insight into the types of views held by different people, and their likely responses to policy options. As such, it provides a valuable indication of the possible reactions that may be observed following suggestions for change, and offers important insights into the reasons behind them.

## 2.1 Recruitment of sample

The research was designed on the basis of talking to parents in a range of circumstances. In particular we wanted to talk to CSA clients, both NRPs and PWCs, whether they were in receipt of benefits or working. We were also keen to talk to some parents in intact families. We recruited participants for five focus groups in order to meet these aims.

**Group 1:** A mixed group; (in terms of gender and circumstance); held in a central city location to enable people to travel by public transport.

**Group 2:** PWCs; held during the day in a local venue in order to maximise numbers with school age children.

**Group 3:** PWCs; held in the evening, to maximise numbers of working PWCs.

**Group 4:** NRPs; held in the evening, in a well-known sports ground to maximise attendance.

**Group 5:** Parents in intact families; Held in the evening, to maximise attendance.

All of the parents were told that we wanted to discuss with them the ways in which parents provide financial support for their children, and future policy options for collecting child support. They were also told that we would not be focusing on their own experiences of the CSA.

### 2.1.1 Sample of CSA clients

The DWP collated names and contact details of 400 CSA clients living in the Bristol area. A letter was then sent to each client providing brief information about why the client was receiving the letter and what they should do if they wanted to take part in a focus group or opt-out of the research. In particular, clients were encouraged to let us know if they wanted to be involved by contacting us directly. In all, just five contacted us to say that they did not want to be involved, and 23 contacted us indicating a willingness to participate. All the clients who had not been in touch and those who were interested in participating were then telephoned, and given further information about the research.

The tight deadline meant that we could not be flexible with dates, and inevitably some people were unable to attend because of this. We chose three venues (one of which was used twice) prior to recruiting, based on the spread of postcodes that the

clients lived in, and accessibility. In all 41 people confirmed that they would attend one of the four client groups, of these 26 actually turned up.

We held three evening groups with CSA clients; one group of NRPs, one of PWCs and one mixed group. We also held an additional daytime group for PWCs, in the hope that this would encourage more of those with school-age children to take part. We found that evenings were more popular with the vast majority of clients. The groups all included a mixture of those parents who had contacted us, and those who had not put themselves forward. They also included people with a range of characteristics such as age, number of children, ethnicity and household income.

Whilst we used CSA data to ascertain contact details of clients, we also checked whether the client was in receipt of child benefit for the qualifying child as a way of ensuring that they were assigned to an appropriate group. This successfully allocated parents to appropriate groups, but did not filter out one mother who was cohabiting with the supposed NRP at the time the focus groups were held. In the discussion below we identify her as a PWC, as she was able to consider her responses in the discussion from this perspective.

### **2.1.2 Sample of parents in intact families**

In addition to the groups made up of CSA clients, we recruited one focus group of parents of children living in intact families. This group was recruited in a Somerset high street, using a brief screening questionnaire aimed only at finding parents with children under the age of 16 who lived in intact families. It was a mixed gender group, but did not include both partners from any couple. This group served several purposes:

- the method of recruitment allowed us to begin fieldwork much sooner than would otherwise have been possible;
- the group had little or no direct experience of the CSA in its current format and so was able to consider the questions from the position of designing a new system rather than changing an existing one;
- the parents were not as involved on an emotional level; and
- it made it possible for us to discuss options that might have a negative impact on taxpayers as a whole who did not stand to benefit from such policy changes.

## **2.2 Focus group participants**

The final groups were made up as follows:

### **2.2.1 CSA client focus groups**

**Group 1:** The mixed group finally comprised two NRPs, the partner of an NRP and a PWC. In all, four confirmed participants did not turn up.

**Group 2:** The daytime PWC focus group was mostly mothers; several fathers hoped to attend but only one actually arrived.

**Group 3:** The evening PWC group included two fathers, and eight mothers.

**Group 4:** We did not have any female NRPs willing to participate in the focus groups, and so the NRP focus group was made up entirely of fathers.

**Table 2.1 Characteristics of CSA client focus group participants**

	NRPs	PWCs
Male	9	3
Female	0	14
Case initiated by Jobcentre Plus	6	6
Private case	3	9
Newly assessed	3	5
Migrated from old rules	0	1
Maintenance Direct payment	5	10
Fully compliant*	1	1
Partially compliant	1	1
Nil compliant	1	1
Mean amount to be paid/received (£ per week)	£37	£33
Range of payments/receipts (£ per week)	£5 to £72	£1.67 to £79
<b>Total</b>	<b>9**</b>	<b>17</b>

NB There is some missing data.

\* Compliance is only reported for non-Maintenance Direct payments.

\*\* This category is actually made up of eight NRPs and one NRP's partner.

### 2.2.2 Intact family participants

**Group 5:** The fifth group was made up of three mothers and two fathers living in a rural town in North Somerset. All the respondents were married or cohabiting with the parent of at least one of their children, but we did not feel it would be appropriate to have their partners present, as the topic may cause some friction within couples. The participants had between one and four children between 0 and 16 years of age, and up to three stepchildren.

On arrival, participants of this fifth group were given three cards, each of which described a fictional family with children (family 'vignettes'). The families described on these cards were drawn on at various times throughout the discussions to focus the group on specific circumstances. This approach was used to overcome the fact that participants did not necessarily have personal experience of child support issues, and to help clarify their views.

## 3 Parental responsibilities

### Key implications

Whilst participants generally agreed that parents have a responsibility to support their children emotionally, there are certain circumstances where some consider financial support to be unnecessary or inappropriate – or at least a matter of debate, namely:

- unplanned pregnancy (including by ‘deception’);
- parent with care (PWC) re-partnering;
- non-resident parent (NRP) receiving a means-tested benefit.

There was little support for the current policy of reducing payments to the PWC if the NRP became responsible for additional children. This was particularly true in the case of NRPs supporting stepchildren.

Certain circumstances should lead to reduced liability to pay maintenance. Most notably, according to parents, NRPs receiving means-tested benefits should not be expected to pay maintenance, unless they are wilfully avoiding work.

Contact and financial support are clearly linked in the eyes of parents. NRPs are currently in a situation where they are given a **discount** for maintaining contact, but where they also feel the need to **withhold** payment when contact is denied.

There was a strong feeling that parents had a basic, but absolute, responsibility to provide emotional and financial support for their children, whatever their circumstances. This was not dependent on the gender or role of the parent (such as breadwinner or homemaker), or the age of the child:

*‘That’s what a child needs, not all these presents and toys and cash going around all the time, you know, know that their dad’s there, spend time with them and if they know he’s there then that’s fair enough.’*

(Female, Group 5)

*'It goes beyond the actual material, it's the emotional development of the actual child itself.'*

(Male, Group 1)

Despite the apparent firm conviction amongst participants that both parents had responsibility, their opinions varied markedly when discussing parents in particular circumstances, as we discuss below. Furthermore, there was a clear indication that parents did not feel that the level of responsibility need necessarily be **equal** between parents. In the rest of this report we pay particular attention to financial support because of the nature of the research; however, we comment on other kinds of support where appropriate.

### 3.1 Calculating maintenance – a starting point

#### *Summary*

- Most parents felt that the maintenance calculations should take into account the circumstances of both parents, since both were responsible.
- There was no clear consensus about triggers for re-assessment.
- There was also no clear consensus about whether all income should be taken into account, or just basic earnings.
- Some parents felt that NRPs who were not working could make other types of contribution, including extra time playing with their children and caring for them.
- The general (but perhaps naive) perception was that threats of violence should not prevent payments being collected.
- Views about the responsibility to pay child support in the event of an unplanned pregnancy were polarised.
- There was little support for the current system of reducing maintenance requirements if the NRP has children living with him; all the more so if they were stepchildren.
- Some parents felt that Income Support/Jobseeker's Allowance was meant to provide a minimum living standard and that NRPs receiving these benefits would not be able to make payments.

It was generally felt that NRPs had an obligation to pay child support, and that the amount of maintenance due should depend on the overall circumstances of the NRP and PWC:

*'I mean it's how much do you earn, how often are you looking after them and what's your housing situation.'*

(Female, Group 5)

*'It's a bit like the Child Tax Credit, or whatever it is, I know it's not very good but they assess each family differently don't they?'*

(Female, Group 5)

Whilst it was clear that people wanted the amount of maintenance to be related to both need and ability to pay, some people told us that it should be subject to reassessment with change in circumstances, whilst others did not want regular change. This reiterates findings from our earlier research (Atkinson and McKay, 2005b) and we did not discuss it in depth with these groups.

### **3.1.1 Additional earnings**

The issue of overtime payments caused a divergence of opinion: Some PWCs told us that they thought that the maintenance payment should be based on actual yearly incomes, so that NRPs could not hide overtime. Conversely, some NRPs felt that they worked overtime to try to make ends meet, and they did not feel that it was fair to take this money into consideration during the next maintenance calculation.

Fewer parents discussed NRPs with two jobs, but it is likely that the arguments are similar to those for overtime. There was a feeling that it may be easier to hide a second job under the current scheme. This indicated that information provided for income tax purposes may be useful and give a clearer idea of the overall income received by the NRP. The tax system would also be quicker to react to job changes, and avoid the need for requests for reassessments – or at least some people believed this to be true.

### **3.1.2 NRP on means-tested benefits**

Current policy demands that most NRPs receiving means-tested benefits pay a minimal sum in child support (usually £5 a week). This was not widely known among respondents. Some group participants felt that it would not be possible for NRPs receiving benefits to provide child support payments. As in our previous research, some participants also put forward the argument that benefits are supposed to provide a minimum standard of living, so it is unreasonable to expect payments to be made from them<sup>2</sup>. Some also commented that the NRP and PWC would almost certainly have lived on a low income if they were living as a couple, and so the NRP should not be expected to share his benefits during this time.

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<sup>2</sup> To put some of these views into perspective, a single male NRP receiving Income Support would have a weekly income of £57.45. A lone parent PWC with one child, also not in work, would receive an income from benefits and tax credits of £119.28, or double the income of the NRP. After transferring £5 in child support, the lone parent's income would be 2.4 times that of the NRP. By comparison, in Government statistics on poverty, a lone parent with one child is deemed to have income requirements equivalent to 1.3 times that of a single male.

Another view was that if the NRP was in receipt of benefits he may have more time to be with the children. In this case it was felt that a reluctance to see his children should result in an obligation to pay support.

Some parents thought that it was acceptable to stop maintenance requirements for NRPs who were actively seeking work, but that there should be some safeguard to prevent parents leaving work or stalling their job search simply to avoid their responsibilities. It was suggested that the jobcentre could report to the Child Support Agency (CSA) if someone 'decided' to remain unemployed. Similar suggestions have been made in relation to claims for other benefits, but it is often the case that people are genuinely unable (rather than unwilling) to find work. Often they face a raft of difficulties ranging from illiteracy to drug dependency; this needs to be taken into account in any policy aimed at identifying types of inactive NRPs. Many non-working NRPs may also be receiving benefits based on an inability to work at all (such as Incapacity Benefit) rather than an inability to find work.

Some parents commented that it would be hard for the PWC if the NRP lost his job. They generally felt it was inevitable that her income would decrease; nobody offered the suggestion that either the Government or the NRP should be made to find the payments.

One NRP told us that he tried to live on his modest savings during a period of unemployment but the agency still expected maintenance payments. He thought this was particularly unfair. It is our opinion (based on our research with low income households) that it is not uncommon for people try to avoid or delay claiming benefits when they face an unplanned, but temporary break in employment. It may be worth considering ways in which maintenance payments can be postponed where parents can show that they have no current, earned income.

Whilst it was an acceptable starting point, participants did not feel it was enough to take into account the financial circumstances of both parents when calculating maintenance. They indicated that the financial responsibility of parents also depended on a range of other factors, as discussed below.

### **3.1.3 'Good cause'**

Under the current rules, PWCs claiming Income Support must use the CSA unless they show that they have 'good cause' for not wanting the CSA to contact the NRP. This is typically because they claim to fear for their own safety or that of their child if the NRP is contacted. The proportion of parents who use this plea used to be very high (around three-quarters in the early 1990s) but is now much lower. Some parents in the daytime PWC group (Group 3) felt that parents used this 'excuse' so that they could continue to receive cash payments and in-kind support directly from their ex-partners whilst avoiding the involvement of the CSA. If the Government moved away from current policies of compulsory involvement and offsetting benefits, then the issue of good cause would become less relevant, but it does raise some issues under the current system.

Some parents have genuine reason to fear the involvement of their ex-partner in their lives. They may have separated because they suffered, or feared the threat of, violence within the relationship. Their partner may even have directly threatened them about the consequences of approaching the CSA. This was not widely appreciated amongst the focus group participants. One NRP commented that there was no reason to provide an option for opting out of the system, since payments were collected remotely and did not require any sharing of information, or meeting between the parents. We would argue that this view overlooks the importance of reducing tension between parents who know each other's whereabouts and minimising the potential for NRPs to threaten violence if they do not want to pay maintenance or do not want the CSA involved<sup>3</sup>. However, as elsewhere in this report, it indicates one of the ways in which members of the public may perceive a particular policy option.

More commonly, parents argued that it was wrong to let certain NRPs off lightly because of a perceived threat. Some suggested that if the PWC did not want the money from such an ex-partner, then it should be paid into a Trust Fund (such as the recently introduced Government Child Trust Funds) for the child to access when they reached 18. This has some points in its favour. The money would then clearly be going to the future benefit of the child. However, it could also be interpreted as a signal that child support exceeds the daily cost of raising children if the amounts include elements for saving. It also takes away from the PWC the ability to make financial decisions in the best interest of her own wellbeing and that of her family. It is also true that there is no **obligation** on intact families to save for children in this way, even if there are strong motivations and some financial incentives to do so.

### 3.1.4 Unplanned pregnancy

When a woman becomes pregnant she has the right to continue with that pregnancy regardless of the wishes of the father. She may even choose to have the child without his knowledge. However, if she needs to claim benefits when the child is born or at some point in the future, the CSA will ask for information about the father in order to make a maintenance calculation.

We asked participants whether situations such as unwanted or unplanned pregnancy should impact on the responsibilities of parents. There were polarised views amongst the participants – but these did not reflect differences in gender, income or other identifiable characteristics.

For example, a participant in the group of parents in intact families, Group 5, commented spontaneously that a father should not be held responsible for his child if the mother had **purposely** set out to get pregnant without his knowledge. Some of the others in the group had different views, one commenting:

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<sup>3</sup> There are also some indications from American research that enforcing child support can increase parental conflict (Seltzer, McLanahan and Hanson, 1998).

*'More fool him.'*

(Female, Group 5)

This group tended to start with the basic assumption that parents would do the right thing, although most realised that this would not always happen. Most, therefore, assumed that a father would want to offer support to his offspring, whatever the circumstances of the conception:

*'If he was a decent parent he'd want to help out and contribute towards his son or daughter.'*

(Male, Group 5)

*'Well I think it's natural that dads would want to show an interest and do the best they can, obviously not everyone's the same.'*

(Male, Group 5)

One NRP told us that this type of situation was the reason for his involvement with the CSA. He was determined to forge a relationship with his child and willingly paid maintenance. This reminds us that it is wrong to assume that a man unexpectedly faced with fatherhood would necessarily want to avoid taking responsibility for his child. A policy that placed lower expectations on such NRPs may have the unintended consequence of indicating that such fathers are not expected to form any type of relationship with their child, particularly given the public's tendency to naturally link non-payment with a lack of contact.

### 3.1.5 Re-partnering of the PWC

Some respondents felt that whilst emotional support should be unending, the responsibility to provide financial support ended once the PWC had a new partner to support her and the children. The reasoning behind this was that the new partner knew what they were taking on, and had made a conscious decision to participate in the lives of that family. In particular, participants felt that it was very unfair if the maintenance payment left the NRP with little to live on whilst the PWC was being very well provided for. As in some other aspects, the potential **poverty** of the children was a reason for child support, but if basic needs were taken care of then the necessity for enforcing a biological obligation became less clear:

*'Oh yes, love responsibility that's fine, but the financial responsibility I think should end when the mother, or if the father's got the kids, should end when they remarry, and thus then they get another supporting partner and the biological father's financial responsibility should end.'*

(Male, Group 5)

Occasionally, participants commented that the NRP may **want** to continue to provide financial support even after the other parent re-partners. Nevertheless it was uncommon for them to state that the NRP should be **compelled** to do so.

One NRP commented on a slightly different, but related issue. His ex-partner had other children, who were not being supported by their father. The participant was frustrated because his child support payments were inevitably being shared amongst other children who, he felt, should have been supported by their own father<sup>4</sup>. It is difficult to see how a situation could be resolved under the current scheme, but possible solutions may arise if the Government sought to offer additional support for parents who do not receive what is due, or if processes were put in place to ensure increased enforcement against current non-payers (see Section 4.6 and Section 5.4 for further discussion of these points).

### 3.1.6 Re-partnering of the NRP

It was common for group participants to suggest that an NRP should always prioritise his first family. They felt that fathers should consider the additional burden of supporting a second family and that they should not be encouraged to have more children:

*'Well that's their choice isn't it, if they can't afford it then, you know, they shouldn't marry and have more children. Sorry.'*

(PWC, Group 1)

Some parents had personal experience of the type of NRP who moved on from household to household without looking back. They felt that the system should be designed to discourage this kind of behaviour:

*'At some stage these people have to be stopped and made to take responsibility for those children...I mean my ex-partner is on his third family now and that's after saying that he couldn't afford to pay for the first two'*

(PWC, Group 2)

One mother in Group 5 took an alternative view, recognising that if the father had already had more children they would need providing for. She was also keen to protect the father's right to live as he chose. The partner of an NRP also took a similar view, believing that all the children should be entitled to an equal share:

*'You know, if he meets somebody else, is life supposed to end just there, just at those two kids, not have any more?'*

(Female, Group 5)

We were also told that whilst the new rules do not explicitly take into account the income of the new partner, without her income the NRP's family would not be able to make ends meet. This led to frustration that, in effect, the partner was being penalised.

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<sup>4</sup> If a PWC is receiving child support for some children, but not others, then she has a stark choice between spending more on those children (which offends views about treating one's children equally), or spending the same amounts on all children (which implies that the paying father is subsidising another father's children).

Occasionally, parents' responses reflected the need to treat separated parents with the same light touch currently given to those living as a couple. These parents recognised, for example, that first born children were always going to 'suffer' a reduction in money spent on them if their parents went on to have more children. They recognised this as a simple fact, rather than something that should be debated:

*'There's bound to be some sort of compromise on that first child irrespective of the Child Support Agency.'*

(NRP, Group 4)

Occasionally, PWCs told us how surprised and frustrated they were that their payments had fallen because their ex-partner was living with someone who had children of her own (i.e. the NRP had stepchildren, or they would be called stepchildren if he married the new partner). They generally felt that this should make no difference to their payments. Others in the groups were surprised to hear that stepchildren were taken into account when calculating maintenance liability, and NRPs also commented that in theory at least, stepchildren would be supported by their own natural parent and so should not affect the calculation. By the same token, in past research NRPs have complained that they were being compelled to pay maintenance whilst their new partner received nothing from her ex-partner for the stepchildren.

It does seem that this particular rule is less defensible for stepchildren than one related to birth children, in the minds of most parents. It was interesting to observe that, despite increased academic and policy attention to children's rights, no-one suggested that all children should be treated equally. Instead the emphasis was on the rights and responsibilities of parents.

### 3.2 Contact

#### *Summary*

- Parents believe that regular contact is beneficial, but there could be a small amount of resistance to sharing care equally or splitting up siblings.
- Contact was by far the most important factor expected to influence payments.
- There is confusion amongst parents about the role of the CSA in relation to contact.
- Contact issues cut several ways. It was felt by many that:
  - parents who opt out of their children's lives should pay the full amount;
  - parents who are refused access should not have to pay.
- Parents who spend time with their children may benefit from lower payments, but these create perverse incentives for the PWC to reduce contact and feel wrong to NRPs who are denied contact.

*Summary (continued)*

- Control of payments allows NRPs to use payment as leverage for more contact.
- Shared care rules ought to change to reflect the share of costs met by each parent.

We talked to parents about how contact might influence payments, and whether an agency like the CSA should consider the level and quality of contact between children and NRPs when making an assessment.

Contact was such an important issue amongst the parents we met that it is difficult to see how it can ever be fully separated from financial maintenance in the minds of individuals – regardless of policy or law. As noted above, it was felt that parents had a responsibility to provide financial **and** emotional support to their children. Some parents developed this argument to suggest that access negotiations should start from this point of view, i.e. that both parents have equal rights to contact and equal responsibilities. Any variation from this should require careful explanation:

*'They need both parents really; they need both parents.'*

(Female, Group 1)

*'I think the child needs, whatever the circumstances whether the parents are together or not, I believe the child needs the love and the support of their parents.'*

(Male, Group 1)

It should be noted that there was much confusion over the CSA's role in regard to contact and that reported responses inevitably reflect this. We were told for example, that the CSA submits a report to the courts about contact, that they treat PWCs who deny access very differently, and that they are able to 'have a say' in contact issues. This very much sounds like confusion between the roles of the CSA and the Children and Family Court Advisory and Support Service (CAFCASS), or further indication that many parents cannot accept that there is a separation between maintenance and access.

Parents felt that children benefited from having contact<sup>5</sup> with both parents. Nobody expressed an alternative view, except in the case of abusive relationships. Despite this, some were less certain about children spending the same amount of time with each parent. Indeed, one mother described the notion of shared care as 'disgusting'. She felt that it was an arrangement that benefited the parents rather than the

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<sup>5</sup> We did not seek to differentiate between face-to-face contact and other types. However, discussion tended towards contact that included overnight stays, reflecting the CSA rules.

children, and she was uncomfortable with the apparent lack of stability for the children. More commonly, shared care was discussed in slightly idealistic tones; none of the participants had direct experience of this kind of contact arrangement. It was, however, considered by some to be the proper **starting point** for legal and other types of negotiations around residence and contact (or 'access' as many still called it).

Most parents felt that siblings should be kept together, and again, a few parents reacted with open distaste to the idea of children within families being split between separated parents. Despite this, nobody suggested that children should be given a choice in this matter, or even a voice frankly, or indeed in other matters relating to contact with their parents.

Indeed it was interesting how little parents thought to mention the views of children. Only once in the five groups did anyone suggest that children should be consulted. Neither did people consider the **rights** of children – for example, in relation to seeing both their parents. The second point suggests that parents may feel that they know what is best for their children, and act as their keepers, rather than their advocates. We feel that this comes across particularly strongly from mothers, who seem more likely to assume that they can meet all the needs of their child, and that they will inevitably make decisions that are in the best interests of their child, perhaps because they feel they have the strongest emotional connection.

### 3.2.1 Changes in maintenance as contact increases/decreases

There is certainly an argument for allowing parents to have some money to spend on their children when they have them to stay, and reduced payments offer this. But there are additional messages created by such a relationship between contact and payments. Parents who are refused contact by courts or ex-partners have told us that they would happily pay for the **right** to spend time with their children, and the money spent on court battles certainly supports this view (Atkinson and McKay, 2005). For them, contact should increase the level of maintenance to incentivise the PWC to allow them access to their children. Conversely, reductions in rates may be seen as a Government initiative to increase contact – perhaps indicating that there is a pervasive mind-set that NRPs (or perhaps fathers) do not naturally want to see their children if they do not live with them. However, there is also some indication that an incentive to increase contact may work: for example, one parent in the evening PWC group (Group 3) realised during the course of the conversation that her ex-partner had only started having regular contact with his son once the CSA became involved. She hadn't realised that he would have to pay less as a result and was amused to discover his likely motive for changing his mind in this way, although she agreed it made life easier for her too, enabling her to work part-time.

There were two main arguments in relation to the ways in which the **obligation** to pay maintenance might depend on contact.

First, some parents felt that NRPs who were spending time with their children should pay less than those who did not invest in the parent-child relationship:

*'If shared care is an issue then that will affect the amount of maintenance, and it should do.'*

(PWC, Group 2)

Second, most participants (particularly NRPs) did not feel that NRPs should be made to pay child support if the PWC refused to allow contact. This view was expressed by NRPs who were satisfied with their own contact arrangements as well as those who were not, and there was some empathy for this perspective across all the groups:

*'[paraphrasing the comments of another group participant] 'Well I want to see my child and pay the money but I'm not getting to see my child: I think you should have a right to hold on to that money until you get to see the child'*

(Male, Group 1)

*'On the access, if I wasn't seeing them then I wouldn't [pay], no.'*

(NRP, Group 4)

One NRP talked openly about stopping payments when his ex-partner prevented contact. He told us explicitly that he used his financial contribution as a 'weapon' to fight her with; that it was the only tool he had. Despite the group having previously described themselves as the type of people who would always pay what was due, there was support for his actions:

*'I would if she told me [that I couldn't see my child], yes.'*

(NRP, Group 4)

Whilst it was a common view that NRPs should not be forced to pay if the PWC refused contact, there were a few respondents with alternative opinions. For example, one mother argued that it was 'blackmail' to withhold payments, and that the child should not be made to suffer further simply because the parents were behaving in this way. One suggested that the solution was not in the hands of the NRP, but in court.

It is clear that people felt that contact arrangements could legitimately alter obligations to pay. We also wanted to know how people felt about contact being used as leverage for non-payers. There appears to be a general dislike of this approach, but some empathy with the parents who resort to such behaviour. We were told how frustrating it can be for PWC to continue facilitating regular visits with an ex-partner who is not paying the money due. This causes a huge amount of tension, and one mother described how hard it is to be positive about the NRP for the sake of her children when, inside, she is incredibly angry, and wants to 'just smash that car' when he drives over to collect them:

*'You've got to stand there smiling and all you want to do is go and punch them'*

(PWC, Group 2)

### 3.2.2 Overnight stays and shared care

Some respondents were conscious that NRPs may have regular contact, but spend little money on the children, whilst others may invest in a family-sized house and take a great deal of care to provide financially for their children when they stay. In a similar vein, a PWC commented that his children stayed overnight with the maternal grandparents but his ex-partner would claim this as 'overnight' stays for the purpose of reducing the child support payments. Experiences and perceptions like these have an impact on the extent to which parents accept the current rules around reducing maintenance for overnight stays:

*'The overnight thing – so they're sleeping somewhere else but the things I do for them, provide all their clothes, all their food...'*

(PWC, Group 3)

It is also noteworthy that one mother felt that she had been caught out by her lack of knowledge of the overnight rules. When she had first applied for maintenance through the CSA, she had not realised that the number of nights that her children stayed with their father would impact on the amount she received. She had told the agency that they probably stayed over with him 'every other weekend', but had not meant this to be a definite reply. She told us that they definitely did not stay with their father 52 nights a year, and that they did not stay for tea with him. However, it was clear from her reasoning that sometimes the children did not visit their father because it was **inconvenient**. If the standard policy was to base child support on contact **arrangements**, this misunderstanding would have been less likely to happen; the NRP may have benefited from additional (or more regular) contact and the PWC would be aware that the contact agreement was the basis of the maintenance agreement regardless of the other issues that needed to be addressed.

Parents in Group 5 were overwhelmingly surprised to hear the current CSA treatment of shared care (i.e. that maintenance is reduced by a half, and is payable to the parent in receipt of Child Benefit even if incomes and time spent with the child are equal). They all felt that if the parents were sharing the care almost equally, then there should be no transfer of money between them. Other groups also found the current rules bizarre and typically commented that shared care would mean shared costs:

*'If you're both earning a similar wage, you're both, the share of care is equal, then, no, there shouldn't be any payments.'*

(PWC, Group 2)

*'So if we had him 50/50 equal, I'm still paying [PWCs name] 3½ days worth of money, I couldn't quite work that out.'*

(NRP, Group 4)

*'If both people are working, that person could be earning twice as much as you, but you're still paying them.'*

(NRP, Group 4)

There were also a few views expressed by a minority but not dismissed by the others. These included the opinion that child support should be paid to the person who had the child; so that the 'PWC' would pay the 'NRP' whilst he had the children<sup>6</sup>.

### **3.2.3 Expenses incurred**

Some parents brought up the cost of maintaining regular contact. Several had children who lived many miles away. In one case the parents had come to an agreement where the mother dropped off their daughter and the father returned her. They each did a round trip journey of 300 miles, and this limited the amount of time the father could see his child, but the agreement at least helped to alleviate the cost. This may be an arrangement that would suit other parents living far apart.

### **3.2.4 Cutting all ties**

It was unusual for the focus group participants to consider that some parents may not want contact with their offspring. However, on prompting, participants did not support the idea of stopping liability for child support if parents chose to cut all ties and stop seeing their children. In this case they should pay everything due:

*'Because the child's needs are not any different are they.'*

(NRP, Group 4)

One way of interpreting this viewpoint is that it would be helpful to start negotiations from the base of a principle of equal responsibility, since any parent who chooses to deviate from this is then identifying themselves, and there appears to be little public resistance to enforcing payments amongst this type of parent. The alternative approach of assuming one parent has majority care makes it difficult to know whether one parent is opting out, or the other is preventing access.

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<sup>6</sup> This happens to be one way in which formulae involving two sets of incomes (PWC and NRP) and two sets of parenting time are sometimes explained.



## 4 The role of Government

### Key implications

Most parents would welcome a change in the rules to allow parents with care (PWCs) to keep all of the maintenance payment, unlike the current system for recipients of Income Support.

There should be no compulsion to use a Government agency for the collection of child support:

- resources should be focused on offering support where it is needed and enforcing payments amongst current non-payers;
- care should be taken not to antagonise non-resident parents (NRPs) who pay willingly, by forcing them to cooperate with the Child Support Agency (CSA).

The Government should encourage parents to make agreements between themselves.

The Government must continue to provide a back-up service:

- this service should be free;
- it should be available to anyone who wants it.

Government money should be spent on enforcement rather than guaranteeing maintenance:

- higher income PWCs would appreciate a guaranteed payment, but would require a lot of money;
- lower income PWCs are concerned about further stigmatisation if they were given guaranteed maintenance;
- many people associate guaranteed maintenance with a lower incentive for NRPs to pay child support.

Under current legislation, PWCs who claim Income Support are obliged to use the CSA. Other parents can opt to use the CSA to assess and collect maintenance, but they need not do so.

We wanted to test reactions to alternative ways in which a Government collection agency might work. The ideas that we discussed were drawn from a range of sources including schemes used in other countries, our own previous conversations with CSA clients, suggestions from colleagues at the Department for Work and Pensions (DWP) and others. They are not an indication of any particular view on our part, or any knowledge of planned policy directions, and should not be read in this way.

In particular, we know from our previous work that many people feel that it is inappropriate for the agency to treat PWCs in receipt of Income Support differently from other parents. The agency currently does this in (at least) two ways: 1) PWCs in receipt of Income Support are obliged to use the services of the CSA whilst other parents have the choice; 2) PWCs can keep all the money paid as child support providing they are not in receipt of benefits. Those on benefits can keep just £10 a week under the new rules, and nothing under the old rules. Similar rules are not applied to parents in receipt of Tax Credits, who are able to retain all child support paid.

Following from this we wanted to know whether a heavier or lighter touch from Government was preferable. If the agency was to treat everyone the same, should it make everyone use the CSA, or encourage everyone to try and make an arrangement without the service of the agency? And if people were not compelled to use a collection service, would there still be any demand for such a service?

We were also interested in reaction to other schemes. For example, in some countries, such as Denmark, the Government guarantees maintenance payments to PWCs and takes the risk of recouping these from the NRP. How would respondents react to such a suggestion in relation to child maintenance? In France still (as previously in England), child maintenance is negotiated through the courts. Would parents welcome a return to this?

#### 4.1 Should maintenance be disregarded for benefits purposes?

##### *Summary*

- Most parents were not fully aware of the CSA rules in relation to PWCs on benefits
- PWCs in receipt of benefits were finding ways of receiving maintenance payments without the CSA being involved. A change in the rules would enable them to do so openly.
- Most parents supported the idea of changing the current rules so that PWCs were allowed to keep all the child maintenance paid by the NRP.
- A few parents thought that the overall income of PWCs should be monitored whilst they received benefits.
- There was no strong feeling that a change in policy would increase compliance amongst non-paying NRPs.

Whilst it is paid to the PWC, child maintenance is explicitly intended to benefit the child. This fact was recognised and approved of by participants in all the groups, but particularly by NRPs:

*'All of this is like suddenly aimed at your [ex] partner, which is not what it's for, it's for the child.'*

(NRP, Group 4)

Despite this widespread support, current legislation considers that child support is part of the PWC's income. As such, child support payments are used to offset Government spending on Income Support. We wanted to know how participants felt about this treatment of maintenance money.

It was noticeable that, as we have found in previous research (Atkinson and McKay, 2005a; Atkinson and McKay, 2005b), many (but not all) of the focus group participants were unaware of the current treatment of child maintenance payments for PWCs in receipt of Income Support. Some NRPs were also unaware that PWCs in receipt of benefits were obliged to use the agency. Those who were aware typically viewed the CSA purely as a revenue-raising mechanism, and argued that it could not claim to be benefiting the children:

*'It's to recoup the money they're paying out on the Benefits to keep the Welfare State under control.'*

(NRP, Group 4)

Such was the conviction of some NRPs that the PWC received all the money that they paid that it was difficult to be certain whether the system was working as it was meant to. One NRP was making direct payments that were monitored by the CSA. He told us that he did not think his payments were deducted from her benefits. He thought that this was appropriate (that benefits were not affected) since the money was to benefit the child. This view was echoed in all the groups:

*'I mean she's getting more money to look after herself and the child, and I don't see that as a problem.'*

(NRP, Group 1)

It is important to note that amongst the PWCs in receipt of benefits that we spoke to, a number had found ways to encourage NRPs to make private payments, despite their legal obligation to use the CSA. For some this involved asking the NRP to buy specific items that the child needed, whilst for others it was simply a case of keeping quiet about the cash they received. It is clear that these parents did not feel any sense of immorality in what they were doing; they would certainly not see themselves as having anything in common with people caught for making fraudulent benefit claims whilst working, for example. However, this does not mean that parents would not experience a sense of relief if they no longer had to organise covert payments.

On the whole, parents tentatively supported the idea of disregarding maintenance payments from benefits. In particular, NRPs felt that they had already been taxed on the money and so it should be handed directly to the PWC, without being 'taxed' further. One NRP also commented that there shouldn't be any discussion about how child maintenance impacted on PWC benefits, since it was not for the benefit of the parent, but of the child:

*'Why shouldn't they have all of it?'*

(NRP, Group 4)

The group of parents from intact families, Group 5, was made up of parents who were mostly basic rate tax payers or unemployed. They also felt that any maintenance paid by the NRP should be passed to the PWC, and they were not overly concerned that this may increase the overall tax burden. They were adamant that it was wrong for the Government to take all but £10 of the money. One participant explained that the NRP needed to know that the money he was paying was being used to support his children<sup>7</sup>:

*'If I was the father I'd be annoyed...his wife and kids are only getting £10 out of it.'*

(Male, Group 5)

However, some participants felt that the PWC's overall income should be monitored. In the main, this was because they were uncomfortable with the idea of PWCs being supported by the NRP, and also being entitled to child specific benefits (other than Child Benefit). One NRP suggested that half the maintenance should be disregarded, whilst a working PWC felt that parents receiving benefits could end up very comfortably off if they were receiving a range of benefits, including housing benefit and getting to keep all their maintenance payments. She did not think this was fair.

It is possible to imagine views of the kind that having a paid job should leave lone parents better off than not working, and incentives to work would be dulled if the income package for those not in paid work was quite generous. However, in the focus groups nobody suggested that offsetting maintenance for benefits recipients might discourage a PWC from seeking work, or that the current system incentivised them to search for a job. Neither did people volunteer the suggestion that NRPs might be more willing to pay if the benefits went directly to the child, although this was very probably because the majority of respondents were paying or receiving the maintenance due. Interestingly, one NRP did say that he might be **less** willing to pay if the money was not offset but the PWC spent the additional income on herself – the Government may be unpopular and seen as undeserving of money by many parents, but ex-partners are sometimes seen as even less deserving.

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<sup>7</sup> There was an interesting query voiced in one of the groups about whether the child would be any better off after the £10 maintenance allowance than if the NRP still lived with them. We did not have the time to explore this in detail, but it does raise an interesting point.

We explicitly asked respondents in Group 3 whether they thought NRPs would be more likely to pay what was due if maintenance went straight to the PWC rather than offsetting benefits. The unanimous response was that parents who cared would be paying regardless. They did not feel that full 'pass through' would alter compliance levels:

*'I think if you're getting complete non-payers I think the fact that they know their children are getting more money doesn't matter, because in the first place if they cared that much they'd be paying.'*

(PWC, Group 3)

It is very likely that PWCs will feel more inclined to give information to the CSA if they can see some benefit. Indeed, one mother who had originally pleaded 'good cause' was under the (incorrect) belief that the CSA had changed its rules to allow Income Support recipients to keep all their child support. She told us that it was this rule change that prompted her to get back in touch with the CSA:

*'I never applied for the CSA on the violent background, and as soon as they brought this new rule in I was on to it because it was, because they allowed me to keep all of what he was paying.'*

(PWC, Group 2)

## 4.2 Should maintenance be disregarded for Tax Credit purposes?

### *Summary*

- Most parents agreed with the current system of allowing parents to keep all of the maintenance money if they were receiving Tax Credits.
- They accepted that total income varied by household, and therefore, saw no reason to offset maintenance to equalise incomes.
- PWCs relied on both Tax Credits and maintenance money.

On the whole, participants did not think that child maintenance should be taken into account when calculating Tax Credits; they were happy with the current system. Participants accepted that total household incomes vary for a wide variety of reasons, and did not voice any frustration about this. This is surprising given that, as we report in the next chapter, there was astonishment at the wide variations in maintenance orders amongst participants.

PWCs were very clear that they relied on the money they received in Tax Credits, and their child maintenance payments. It is important when deciding how to treat maintenance for the calculation of Tax Credits to remember that PWCs do rely on their current income stream to cover their outgoings. It is true that they may be able to make cuts, or borrow in the short-term but often these cuts would disadvantage their children – they may have to move to a different neighbourhood, or cancel music tuition.

The current treatment of maintenance payments for Tax Credit purposes creates a significant incentive for parents to return to work. However this was not mentioned by any of the participants; neither did they suggest that alternative treatment might lead to different incentives.

### 4.3 A universal system: should parents be compelled to use the Child Support Agency?

#### *Summary*

- There is no support for a universal system that all parents living apart are compelled to use.
- The most common reason for this view was a strong preference for parents to negotiate maintenance between themselves.
- Strong desire to have a back-up service provided by Government.
- This would make best use of limited resources.

In every group the overwhelming message was that nobody should be compelled to use the CSA (or another agency designed to collect child support). A few participants felt that the Government had a responsibility to contact parents and check that their maintenance agreement was working, but they did not want their involvement to move beyond this unless there were specific problems. We discuss the role of Government in monitoring agreements in Section 4.4.3.

Most of the arguments for keeping the agency at arms length centered on the preferred option of following a model where parents should first try to sort out maintenance – what we might call the responsible-parents or mutual responsibility model. This strong preference led participants to consider the frustration that may be caused if amicable parents were forced to use a Government system:

*'And for couples who are amicable it could actually cause issues...because you're effectively taking away their choice of sorting it out between themselves.'*

(PWC, Group 2)

Others felt that the Government should focus its resources on those that needed help, rather than spreading itself too thinly providing a service to everyone. It was felt that it was better to offer basic advice and guidance to all, so that resource intensive services could be offered for the most complicated cases. It was argued that agencies with direct, face-to-face contact would be better suited to some complex situations than a service at arms length.

One father was keen to stress that the involvement of a Government agency in his life had been a very negative experience. He did not think that the Government should be looking into people's affairs, and suggested that the CSA left NRPs feeling as though they were hiding something. Opinions like these indicate very clearly that a universal system would not be welcomed:

*'Whether you're on Jobseeker's Allowance or whether you're a high earner, there's this feeling that you're being looked into, which I think just exacerbates the tension between you and your ex-wife.'*

(NRP, Group 4)

Although there was no support for a universal system, there was certainly a widespread feeling that a Government agency should be there to support anyone who needed help. It should not focus on a particular type of client, such as parents receiving benefits, or divorced parents. Rather, it should help when other options fail. We discuss this further in Section 4.5.

#### 4.4 Responsible-parents model: Government encouraging agreements between parents

##### *Summary*

- Parents generally felt that most people **could** and **should** come to a mutual agreement without the involvement of an outside agency.
- Some acknowledgement that this relied on an amicable relationship between parents.
- There was some indication that the general public may have unrealistic expectations of parents ability/willingness to negotiate maintenance agreements.
- More freedom to negotiate may lead to outcomes that are **not** in the best interest of individuals or the Government.
- Agreements can fail for a number of reasons, including changes in contact arrangements and feelings of being treated unfairly.
- An adviser would be useful, but this person must be prepared (and perhaps empowered) to **tell** parents what to do if they cannot reach a compromise.
- Payments made between parents should be recorded and monitored, possibly along the lines of Maintenance Direct.

In all the groups, parents thought that separating couples and never-partnered parents should try to resolve maintenance and contact issues between themselves, and they were happy to consider a situation in which the Government encouraged this behaviour:

*'If the parents are on amicable terms and they can turn around and say right well we'll make an agreement and pay so much a week or month or whatever and everything is fine, there's no reason for anyone else to get involved and say right you should be paying this.'*

(Male, Group 1)

*'I mean what I would like to see is something which encourages couples who are already, basically in agreement...for some kind of consideration or arbitration scheme, which is almost if necessary imposed, if that doesn't sound contradictory.'*

*(NRP, Group 4)*

The main caveat was that for discussion between parents to work, the relationship needed to be 'amicable' (this particular adjective was the most popular word used to describe the necessary quality of the relationship between partners). Given this, it is interesting that Group 5 were particularly keen to encourage parents to come to an agreement without relying on outside agencies, indicating their reluctance to accept that relationships can become hostile. This suggests that the 'general public' may have unrealistic expectations of the potential for parents to negotiate their own maintenance agreements:

*'If you've had kids you should be adult enough to sit down and go "right this is, we have to work something out here".'*

*(Male, Group 5)*

Some parents were keen to point out that mutual agreements would not necessarily be more equitable, but that the spirit of negotiation may help them to discuss the additional costs they faced from time to time, such as sports equipment or school trips – and hence, the flow of money could be more flexible. Some felt that it would not be possible to have this kind of negotiation from a distance; parents would have to live near to each other.

#### **4.4.1 Experiences of mutual agreements**

Some participants commented that the CSA was already encouraging mutual responsibility through Direct Payments, and one suggested that it was not something she would have otherwise considered. The groups included 15 parents who were paying or receiving child support in this way.

There was also some indication that married parents had been encouraged to 'sort it out' between themselves by the courts. One parent told us that despite turning to the courts after a mutual agreement fell apart, the court felt that they were capable of coming to an amicable solution. (In fact, this did not turn out to be the case.) The provision of legal aid in divorce cases with ancillary relief proceedings is also generally subject to parents first trying to resolve matters themselves, or through mediation.

Many participants found it impossible to discuss financial agreements without reference to the contact arrangements in place. As the following quote illustrates, in some cases the relationship between contact and finance can be particularly difficult to disentangle without set rules or guidelines:

*'We used to pay voluntary, we paid a lot because we used to pay nearly £1000 a month, because she was bribing us with the fact that we wouldn't see [Son] if we didn't pay the money, she needed the money and everything else. It got to the stage where we didn't get to see him anyway and we were still paying voluntary, we were still paying something like £700'*

(Partner of NRP, Group 1)

It was not unusual to hear that agreements between parents had failed. One parent told us that they had always handed over cash, but the PWC started to claim that they had missed some payments. In some cases this was because the arrangement was no longer one of negotiation, but of pressure. In other cases the parents simply had very different views on what was appropriate. In one such case, the NRP had moved away and consequently deducted up to £200 from his monthly payments to cover his travel costs, and the PWC felt this was wrong.

#### **4.4.2 Support and advice during negotiation**

It was common for participants to suggest that parents should be supported in coming to voluntary agreements. They felt that the process was sometimes difficult and that a trained, impartial adviser may help. Occasionally, parents commented that this would certainly have helped in their own case:

*[discussing the role of an adviser in helping to discuss maintenance payments]  
If there was someone to start off with who could say all right this is what's going to happen, it probably would have saved a lot of hassle.'*

(NRP, Group 1)

Participants felt that an adviser could benefit those parents who were clearly able to discuss things amicably as well as those who found it difficult. Some discussed this as an alternative to going to court, rather than as an alternative to contacting the CSA.

Discussion around advisory services closely mirrored the current mediation service offered by National Family Mediation (NFM) centres, indicating a low level of awareness of this service (see Chapter 6 for further discussion on the services available and how they might meet the needs of parents). At present it may be ill-advised for parents to expend time and money negotiating child maintenance payments with the help of a mediator, since their decision can always be overridden by the CSA. It seems from the group discussions that some parents would welcome a move away from the current, segmented approach towards a system that deals with all the issues but allows for greater negotiation. But it is extremely important to remember that many of the participants were making or receiving direct payments, and their participation in the group suggests that they valued discussion in a way that other people may not. The findings, therefore, cannot be generalised.

One important difference between the current mediation service and the advisory scheme discussed by participants is that the participants felt that the adviser's role was not simply to aid negotiation, but to **tell** the parents what to do once they had been open about their circumstances. It was apparent that mediation would only

work if both parents had a clear, shared image of the goal they were aiming for. In some ways the idea of sharing information then being told what the outcome should be reflects the original CSA calculation, which collected an enormous amount of information from both parents before setting an amount. The key difference is the level of openness between parents during negotiations or mediation – the CSA keeps individuals apart, and does not share the information it holds about one parent with the other.

#### 4.4.3 Monitoring agreements and payments

At the outset of the discussions, most respondents did not feel strongly that maintenance agreements needed to be monitored by an external body, but they did acknowledge that it would be useful to have records in case things went wrong. In general, further discussion led to the conclusion that there should be some system in place to ensure that the agreements were working:

*'I think voluntary arrangements are good, but probably should be formalised.'*

(PWC, Group 3)

In particular, NRPs thought that it made absolute sense to use a payment method that ensured that their payments were recorded. Cheques and 'direct debits' (although, in fact these were standing orders) were the two most commonly suggested ways of making sure payments could be proven:

*'If you were buying a TV or whatever you wouldn't go out and pay cash for it and chuck the receipt away.'*

(NRP, Group 1)

Interestingly, when the majority of participants in the daytime PWC group (Group 2) concluded that the agreement should be monitored, one parent noted with amusement that we had gone full circle and were now describing the CSA as it stands.

The CSA has attempted to take the role of intermediary between parents who are willing payers, but this move has been marred by the treatment of benefits cases. It, therefore, has had a poor history of supporting direct payments between parents; we have spoken to a number of people who had seen generally good relationships between parents deteriorate simply because the PWC has been forced to use the CSA in order to claim Income Support. Even when the NRP has understood the reason for the CSA's involvement, it is clear that the process has taken away the spirit of agreement and negotiation and replaced it with one of compulsion. Some focus group participants clearly resented this:

*'He told me to stop the CSA and he would give me £30.00 – £40.00 a week and I phoned them up and they said no, you stop CSA then your Income Support stops because we don't know what money you've got coming in.'*

(PWC, Group 2)

*'To be honest we've had a lot of problems with the CSA because he paid me directly... the first six months or so they kept sending letters saying you owe us six months blah, blah, blah, and then he'd be on the phone having a go at me saying that I'd got on to them and I never did.'*

(PWC, Group 3)

However, there were signs that this was changing. Maintenance Direct appeared to be working well for a number of participants, and whilst we are concerned that some of the NRPs paying this way were not aware of the way in which their payments were offset against benefits, we did perceive less hostility towards the agency and a higher level of satisfaction with the service than we had anticipated based on our previous experience, and we are confident that some of this can be attributed to these direct payments.

We also heard from one PWC who felt that direct payments may cause less aggravation between acrimonious couples than the CSA, as indicated in the quote below. This suggests that if a Government agency can increase the number of satisfied clients who use a direct payment option, it may also work towards changing the public perception of the agency:

*'[the CSA said] "but if you prefer to sort this out between the two of you it's an option you've got", and I took that because I knew it was going to be quite volatile anyway, but coming from me as opposed to the CSA who were going to say right you've got to give her 'x' amount I felt that if we could first come to an agreement between ourselves it was likely to be more amicable, and it did actually work.'*

(PWC, Group 3)

## 4.5 Government back-up

### *Summary*

- Most respondents felt that if a mutual agreement failed then the next step was to get 'something in writing'.
- Courts, advisers or Government could provide this kind of support for parents.
- If the service is provided by the Government it should be a free service to support parents who have not been able to make or sustain an agreement between themselves.
- If charges were made, it would be most acceptable to both PWCs and NRPs to charge non-compliant NRPs; but this is seen primarily as a penalty.
- We are concerned that blanket charges may increase levels of non-compliance.
- Fees were not seen as a deterrent, to put parents off using the agency. This may indicate that they see such a service as one of last-resort.

Whilst some parents felt that the Government should be on standby to enforce agreements that fell apart, it was not uncommon for others to first suggest returning to an adviser, or court if the first agreement failed. In part this was because it was difficult for some respondents to envisage a Government agency that worked well. They typically commented that the Government **should** help, but that Government would first need to provide services that worked well. The key point that the respondents wanted to stress was that if the agreement had failed then the next step was to get something in writing:

*'Actually it's no different from any other argument if you can't sort it out between two people then you need someone else to bring in.'*

(NRP, Group 1)

Interestingly the vast majority of participants were very firmly of the opinion that the Government should not charge to provide a back-up service for failed maintenance agreements. There were three particular issues related to charging for the service. The first related to the **principle** of paying for a Government service – when many people felt they already paid enough, in taxes, to Government. The second was related to practical considerations of adding charges to the request for maintenance or the maintenance payment (or deducting fees from them). The last issue was that of deciding who should pay for the service. We discuss these issues below.

Even if the Government service was only used when other methods had failed, it should be free. This view was not simply related to the likelihood of the respondent having to pay for such a service; for example, most (but not all) PWCs did not feel that the NRP should be expected to pay for a CSA-style service. However, it was a particularly daunting prospect for PWCs living on a low income, and it is not surprising that some suggested that if a fee was introduced it must be means tested:

*'Don't you think they've got enough to worry about with the child and the expense and all that, your water rates and your Council Tax and things like that, to have to pay for something to sort your family situation out?'*

(Female, Group 5)

*'I don't think anybody should pay for it, I think it should be a Government initiative.'*

(PWC, Group 2)

*'No. We're trying to get money to live.'*

(PWC, Group 3)

A small number of PWCs felt that it would be acceptable to charge the NRP for such a service, as a penalty for not sticking to a voluntary agreement. However, there was concern that they would resent this. We would also argue that this may lead to increased difficulty with compliance, as we know that some NRPs reach the point when they feel unable to pay what is due, and seek ways to avoid paying altogether.

The NRPs were clearly uncertain about charging PWCs who turned to the agency for help. They recognised that the PWC may have a justified claim for more money, and thought it was difficult to say what was 'fair'. They were happier to imagine a system that charged the NRP, since they saw the type of NRP who would force the situation to this point as fair game.

There are sound economic arguments for applying steep charges and passing on the true cost of service delivery; for example, they would serve to deter people (who might otherwise come to an agreement between themselves) from turning to the CSA out of convenience, and using up valuable resources. However, it would be complicated (maybe impossible) to administer a fee-based system that was considered to be fair. As we have described above, the common view amongst parents was that Government should provide important services such as child maintenance collection for free. This is despite there being many parts of Government that are involved in charging fees, whether this be prescription charges, higher education or use of local Government amenities<sup>8</sup>. It is possible that the groups tapped into a general resentment of the amounts of money paid over to Government, and parents saw no reasons to expect to have to pay still more.

If the service did incur a charge, and the costs were fixed, then they would be seen to unfairly impact on low income households both by incentivising parents to avoid the service and by charging them relatively high costs if they did use the service. Income related charges would not recoup the actual cost of supporting those on low incomes and could appear excessive for middle or higher income households. Schemes that offer financial support for low income clients may be condemned for encouraging 'vindictive' behaviour (a criticism that is often levelled at the current Legal Aid scheme), rather than enabling parents to access much needed funds. There is also a very real issue of service delivery. People generally feel they have a right to expect a level of service that reflects their payment. It is unlikely that the service currently on offer could meet those expectations – the principal reason that the CSA abandoned charging more than a decade ago:

*'...fine if the CSA was superb all singing all dancing then, yes, but I think if it didn't provide, if it does the job that it does at the moment, which from all accounts is very wishy washy then no.'*

(PWC, Group 3)

It might be expected that discussion about charges would lead naturally to the consideration of a market, with competing suppliers. It is interesting that none of the participants suggested that the services provided by the Government could be supplied by an alternative body. This is in contrast to earlier work we have done, where we noted an expectation amongst some clients that the Government would

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<sup>8</sup> The CSA itself charged fees for two years, 1993-1995. At that point the assessment fee was £44, expected to be charged annually, and the collection fee was £34. Both PWCs and NRPs might have had to pay fees, but recipients of means-tested benefits were exempt.

begin to contract out CSA work to private companies in the near future (Atkinson and McKay, 2005).

Furthermore, nobody suggested that a fee may act as a useful deterrent against making unnecessary use of an agency. Perhaps this suggests that few, if any, people would think of turning to an agency through choice rather than necessity, or maybe it simply indicates that people see charges only in terms of covering costs.

#### 4.6 A guaranteed maintenance scheme: should Government bear the risk of non-resident parent non-payment?

##### *Summary*

- Most parents had not considered the option of Government, rather than PWCs, bearing the risk of non-compliance.
- Considered responses suggested little support for a guaranteed payment.
- Low income parents were worried about the stigma of receiving more Government support.
- High income parents would welcome a guarantee but would need a lot of money to make up for missed payments.
- Government money would be better used to focus on enforcement.
- Guaranteeing maintenance payments would remove the opportunity for NRPs to use payments as leverage – but it might also break the link between them paying and their children benefiting from that.
- Some parents may benefit from a loan if maintenance payments stopped, which would be repaid by the NRP.

There is an argument for the Government to bear the risk of non-compliance by guaranteeing to pay maintenance if the NRP cannot be found, or defaults. If child support is designed to reduce child poverty this provides the best opportunity for parents to feel secure in their circumstances and budget effectively.

A guaranteed maintenance system could work in a variety of ways: It could provide a fixed amount to all parents who are not receiving maintenance payments. It may provide some or all of the maintenance calculated by the CSA. It could be a means-tested guarantee (a top-up to current Income Support levels). In addition to the **amount** paid, it could be designed to work from particular points in time, or in reaction to specific triggers. These triggers could, for example, be a failure to collect maintenance after calculating liability, or a missed payment with no known cause. Clearly, all of these would create additional administrative and financial burden.

None of the focus group participants **suggested** that the Government should pay maintenance if the CSA failed to collect what was due, but one working PWC expressed surprise on hearing that they do not currently do this:

*'Well that's disgraceful; I mean there should be something, some back up, because once again you've got the single mothers or single fathers who cop it.'*

(PWC, Group 2)

We asked parents directly whether they thought that this was something that should be considered. We did not suggest how this might work, or indicate a level of guaranteed income. Neither did we put forward suggestions of appropriate timescales or triggers. Sometimes examples from other countries were sometimes needed to persuade people that such a system could operate at all.

In general, responses related to the idea of Government covering missed payments, rather than making payments in cases where the NRP had never been assessed. In a few cases parents initially answered 'yes', the Government should take responsibility, but as they contemplated the question more, they typically felt that this was not appropriate for a variety of reasons, which we discuss below. Because of their negative response to the idea in general, we do not have sufficient data to report on reactions to the options for the more detailed design of such a policy.

It was not unusual for parents to discuss the additional tax burden of a guaranteed maintenance scheme. On the whole, they did not think that this was justified. However, one attempted to consider the long term benefits, and felt that there may be sound reasons to consider the possibility further, as the following quote illustrates:

*'When you initially raised it, it kind of went against the grain, because "oh hang on, why should I as a taxpayer be funding other families if the father's just bugged off", which is what we were talking about earlier, but it may well be that the cost to society is less than it will be under the system that we currently have.'*

(NRP, Group 4)

Some PWCs (particularly those on a low income) were also concerned about the additional stigma of being seen to be receiving more support from the Government, whilst others felt that they were already well supported:

*'You [would] get other people up in arms. It's like "well why aren't you out at work, I'm paying for your children". I think we already get looked down on because we're on Income Support and they're paying like our rent and everything else.'*

(PWC, Group 2)

*'I would be happy to receive it but I could just imagine the backlash, I just think single parents get so much stick anyway, I could just see them jumping onto that one.'*

(PWC, Group 3)

*'Well I don't think, myself, that the Government should pay it because lone parents like myself get Working Family Tax Credit, you get Family Tax Credit, the Government give you that...and it helps with my childcare as well for my son and I don't believe the Government should pay the CSA, they give us enough already.'*

(PWC, Group 3)

Overall, low income PWCs were less keen on the idea of Government back-up than those better off parents with extensive financial commitments. The parents with higher household incomes (and outgoings) were scared of being left to pay a mortgage or cover other bills without sufficient funds, and saw a guaranteed maintenance scheme as a possible lifeline. Clearly, their Child Support was a substantial proportion of their income, whilst it typically provided only a small additional amount to those PWCs receiving Income Support. It is difficult to see how maintenance guarantees that equalled current maintenance payments could ever be implemented, and anything less is probably insufficient.

One NRP was concerned about the loss of negotiating power that he felt would result from a guaranteed maintenance scheme. He commented that withholding payments was the only effective weapon he had against a PWC who refused contact. If the Government covered the payments then this would have no impact, and he would be left with nothing.

Some participants also spontaneously noted that if the Government guaranteed payments it would create an incentive for NRPs to stop paying, and possibly even lead to a loss of contact:

*'And it's the parents' responsibility, they'll just think "right why should I put any effort in, it's being paid for me" and then not have any input into that child at all.'*

(NRP, Group 1)

*'Again that's giving [the NRP] the option not to do it.'*

(PWC, Group 2)

Most focus groups reached a consensus that the Government could spend money more effectively by enforcing payments from NRPs rather than guaranteeing payments to PWCs who were not receiving maintenance. (We discuss enforcement measures in more detail in Section 5.4.) They recognised that PWCs would find it

hard to manage without the additional payments, but only saw this as an additional incentive to force NRPs to pay:

*'It's like – I didn't expect you to pay for my children, that is down to my ex-husband to pay for his children – and they should do more than just write letters.'*

(PWC, Group 2)

However, the evening PWC group, which included fewer low income participants, suggested that the Government could put additional money into enforcing child support orders, but also provide loans to parents who would not be able to make ends meet without the maintenance payments. The loans would be repaid by the NRP. They saw this as a way of preventing parents facing the prospect of missing mortgage payments and being made 'homeless'.

## 4.7 Court-based systems

### *Summary*

- Nobody spontaneously suggested returning to a court-based system.
- Most thought that going to court would be prohibitively expensive.
- Those with experience of the legal system had often found it costly.
- Experiences of the legal system were mixed; a few were very pleased, whilst others had received a poor service.
- There was some acceptance that legal services incurred a charge, even though participants felt that a similar service provided by the Government should be free.

We found no evidence that parents had wanted to arrange their child support in court, and none of the participants suggested that the child maintenance should be arranged through courts. However, some thought that a return to a court system might prove to be less frustrating than dealing with the CSA:

*'I can't live my life like this anymore, it's doing me in, I'd rather go to court.'*

(NRP, Group 4)

Whilst most participants were uncertain whether there could be benefits to using a court system, many assumed that the cost would be prohibitive and so were reluctant to see it as a viable option. Some believed that the CSA had been set up in order to alleviate the pressure on the courts. As a result they did not think that it would be wise to go back to such a system:

*'And they're just grabbing your money all the time'.*

(PWC, Group 3)

Many of those parents who had taken their own cases to court were often frustrated by the cost of hiring a solicitor, and the low income threshold for legal aid:

*'The trouble is with solicitors, I wouldn't be able to afford one, she was able to get one for free.'*

(NRP, Group 4)

It also appear that in some cases the agreements failed, the solicitors gave poor advice, or the court made suggestions that did not work (such as the case discussed above where the court sent the parents away to come to an agreement between themselves). For these reasons there was little support for the suggestion of returning to a court-based system amongst people with personal experience of such a system:

*'Well exactly; the courts can't follow it up, they don't have the resources to follow it up, you would have to go to court again. If he reneged or she reneged on her payments, you would have to take her to court again.'*

(PWC, Group 2)

*'So that's more expense isn't it and in the end if they just keep refusing to pay, you know, what can you do about it, that's what we need is an organisation that will sort them out when they refuse to pay.'*

(PWC, Group 2)

Despite the common perception of expensive legal proceedings amongst those with personal experience, a minority felt that the cost was not prohibitive, particularly if the parent researched the options using the internet, and armed themselves with information. A similar minority felt that a good solicitor had helped them reach a reasonable conclusion to issues over finances, access and property:

*'I went to a good firm of solicitors and they sorted it all out.'*

(NRP, Group 4)

This small group of parents had been against the idea of paying to use a Government collection agency, but agreed that they would be happy to pay if the service reverted to a court-based system. The only explanation that they could give for these different stances was that they **expected** to pay for legal services. Perceptions are important.

Some parents commented that legal procedures were more daunting than using an agency such as the CSA. They did not think that it would be good to return to a court-based system:

*'The thing about the courts though they're quite sort of **scary** aren't they, seeing solicitors and people in authority...'*

(PWC, Group 3)

*'It's the unknown isn't it?'*

(PWC, Group 3)

*'It looks like we might be going to court, which I'm quite depressed about, really nervous about.'*

(NRP, Group 4)

Furthermore, there was a sense of confusion about the current court process. Some people seemed to think it was already a legally binding alternative to using the CSA. There was also some confusion over whether it was **solicitors** or **courts** that confirmed agreements made in mediation, and one person commented that if it was a written contract then it should be binding. Some parents assumed (wrongly) that if a court order was ignored then the police would be involved. Overall, the discussion suggested that parents saw court procedures as complicated and dense; not something they would wish to be forced upon them:

*'I just perceive the court process as a lot of hassle, and sometimes a lot of hassle will put me off doing something full stop.'*

(PWC, Group 3)

It was suggested that parents who do not **abide** by court agreements should be made to pay the other partner's court fees, rather than passing costs onto the person who 'loses' the case (as often happens now). This may not be a realistic policy option, but serves to indicate the level of anger and frustration amongst some participants, and the feeling that such behaviour is unacceptable.



## 5 Paying and receiving child support

### Key implications

Most parents could see logical benefits to using the tax system to assess and collect maintenance, but it would tend to separate payers of maintenance from the beneficiaries:

- parents, especially on lower incomes, already feel they deal with too many different agencies.

Most parents with care (PWCs) saw child support as an addition to their budget (which is often stretched); many non-resident parents (NRPs) would prefer child support to be explicitly used for child-related spending and believed payments might be supporting their ex-partner's lifestyle. Asking NRPs to buy specific items for children could sometimes help to square this circle, and increase flexibility.

Some mentioned older children (teenagers) showing signs of trying to control how child support money 'for them' was spent.

All participants were frustrated at the continuing prevalence of non-compliance with child support arrangements and the lack of effective enforcement. Parents recommended a mix of enforcement ideas, ranging from imprisonment to measures aimed at 'shaming' non-payers.

Most of the parents we spoke to for this research were either paying or receiving child support. In some groups, individuals discussed the amounts they were expected to pay or receive; but we did not ask parents to disclose this information. It was clear that in some groups parents were taken aback by the variation in payments, and some PWCs appeared frustrated when they saw how much more they received than the others in the group. For example, one PWC told the group that he received £5 a week in child support for his three children, despite the fact that his ex-partner was working. Another PWC commented that she also received

this amount. Other participants were adamant that something must be 'wrong' for them to end up with so little. With such a disparity it is clear that in this chapter in particular, the responses reflect an enormous variety of experiences.

## 5.1 Collecting and distributing payments

### *Summary*

- Collecting child support through taxes appeared to be a logical approach but was criticised for making payments seem less personal.
- It is easier for PWCs to know whether they have been paid the money due if it is received as a separate payment.
- The more agencies that a parent has to deal with, the more delays they face. This suggests that they may benefit from dealing with a single agency for all their needs.

We did not spend a great deal of time talking to parents about ways in which maintenance could be collected and distributed, but we did discuss whether it would be possible to use the existing tax system for this purpose.

Whilst parents thought that it made sense to collect payments through the tax system, since income information would already be available, some NRPs commented that this would make it feel less personal. We have also found in previous work that some NRPs feel a sense of pride in paying child support, and some like it to be visible in the hope that it will encourage PWCs to (continue to) allow contact. For these reasons we feel that it is very likely that a significant proportion of NRPs would be unhappy to have their payments collected through the tax system. The benefit would be that it could reflect actual earnings, taking into account overtime and bonus payments, and that it would negate the need for assumptive reassessments triggered by the PWC. In this way, it could provide a useful back-up.

PWCs were less concerned with the emotional value or mental accounting of child support. They generally felt that they would be happy to receive it combined with other benefits. In fact some would prefer this to the current system of sending giro payments with no information about where they came from or what they cover (again, a finding that reiterates our earlier research). There was a very important caveat raised by the majority of clients: however the money was paid, it was important that the amount could not be recovered by the payer or agency at a future time, if circumstances changed. This reflected personal experiences and media coverage of the Tax Credit system. Whilst this is a natural reaction to particular issues, we might also conclude from this that there is value in ring-fencing child support payments, and not treating them as one of a range of benefits.

Another important issue raised by low income PWCs was the speed of delivery of a service. They commented that most of the agencies that they dealt with were slow and that their lack of efficiency caused genuine worry and hardship (discussion often

focused on trying to claim Tax Credits and Housing Benefit). These PWCs did not feel that the CSA was exceptional, it fared no better or worse than the others. But they did feel that it would be better to deal with one department for all their financial needs. At least this way one call could address various problems:

*'If you have to go through several different departments, each department takes their own time and it's passed on.'... 'Yes, I mean Income Support take six weeks because the other people they pass it on to take 3 weeks, and so on and so forth'*

(PWC, Group 2)

## 5.2 Spending child support payments

### *Summary*

- Child support is typically spent on housing and utilities, food and clothing.
- Low income parents spend child support payments on essentials.
- Financial capability skills help parents to spend the money effectively and live within their means.
- Higher income parents feel under pressure to maintain the lifestyle that their children are accustomed to.
- Some expenses, such as school transport, that are begun whilst couples live together can become a heavy burden for lone parent families.

The mixed group, Group 1, initiated an interesting discussion on the purpose of child support payments. The mixture of mothers and fathers, comprising two NRPs, a partner and a PWC enabled them to assess the various costs of raising a child from different perspectives. The NRPs were keen that the money was spent on specific items for children, such as clothes, whilst the PWC wanted money to be put towards living costs. There was no consensus as to whether families heated their house more if they had children at home, but the PWC commented on the difficulty of running the family home without a second income and of finding the money to feed teenagers. This was countered by a suggestion that teenagers could take on part-time work to help with the household finances, something that was also suggested in other groups. It was clear that there was little support for the idea that it was necessary to spend extra on bills simply based on children living in a house.

There was a very clear message from the NRPs that they did not feel that child support was meant to be used to cover living costs. However, they did concede that if the PWC could not make ends meet without the maintenance money then the priority was to 'keep a home for that child'. On further discussion it appeared that their main issue was one of the residence of their child: Ultimately many NRPs we spoke to would have happily supported their children in their own home. They did not feel that they should be putting a roof over their head that they did not live under themselves:

*'I'd loved it if my ex turned around and said "right you have her".'*

(NRP, Group 1)

In the other groups with PWCs the discussion was less about what the money **should** be spent on and more about the ways in which it was used. On the whole most PWCs were spending the money on essential items, including rent, food and utilities. They had a fairly clear idea of how they spent the money they received, and how they would feel if the money stopped:

*'But it's not exactly a bonus though is it? It's for going on the kid, new clothes, new trainers, new stuff for the bathroom, bits and pieces.'*

(PWC, Group 3)

Financial capability appears to be an important factor in the way in which child support is spent. For example, a PWC who did not receive regular payments told us that she managed without child support money, and would see any additional payments as a bonus which she paid into savings:

*'Well you just budget don't you, you just don't give them the luxuries that other children have.'*

(PWC, Group 3)

She was not on a high income, but appeared to be good at budgeting and recognised the need to be realistic about the low possibility of getting maintenance payments<sup>9</sup>. Similarly, another PWC made it clear that he had found ways of providing for his child on a low income, and felt it was important to make clear that he was teaching his son the value of living within your means and making the most of free resources. He commented also that he worked at keeping his expenditure down by budgeting for a weekly shop, so avoiding daily temptations:

*'[Discussing how low income parents manage] little things you do, take them to park, take them there, take them walking through the woods with dogs and everything.'*

(PWC, Group 3)

Conversely, another mother with fewer financial skills told us that child support payments would just get absorbed in her ordinary spending, and that she would not have enough money left over to buy school uniform and other essential items. She told us that in order to offset her own lack of budgeting skills, she encouraged the father to buy these items for the child, rather than hand over cash. It may be that some parents need help coming to terms with their diminished budget; and it should be remembered that some parents will not have had control of the household finances prior to separation.

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<sup>9</sup> It is important to remember that parents may be forgoing essentials in order to provide for their children, and that being able to budget does not indicate that a parent is living above or below the poverty line.

Some higher income PWCs tried very hard to maintain the standard of living they had enjoyed as a couple. One PWC was concerned to make it clear that she would have had to rent a smaller house if she hadn't received maintenance, and she had already taken in a lodger and worked to make ends meet. Another told us how she used her maintenance payments to continue taking her children away on foreign holidays. She was acutely aware that she was unusual amongst the focus group participants, but despite recognising her own relative wealth, she was adamant that her ex-partner could afford the payments and that she had a right to accept them.

*'If he hadn't given me that money I wouldn't have been able to have kept the house going like I did, though it wasn't enough.'*

(PWC, Group 1)

[Supporting the view of a wealthy PWC] *'If you were used to that standard of life and your children were, that would have a detrimental affect on them.'*

(PWC, Group 3)

Some parents felt under pressure not only to maintain their previous lifestyles but to keep up with other families. Those with older children commented on their need to fit in, the importance of having the right trainers and sports equipment. These parents did not agree with a PWC who had been brought up to value freedom over possessions; they felt an enormous pressure to provide material goods for their children. This raises a range of issues that are beyond the scope of this paper, including both overt and covert marketing to children, and the effects of peer pressure.

It is also noteworthy that parents of older children can be put under specific pressure by their children to spend child support money. Parents told us that the children assumed that the money was for them to spend on 'trainers' and other items, but the PWC needed it to cover basic expenses. There was a strong sense that some parents were now living in households where the children made a great many demands, whilst taking on little or no responsibility:

*'Boys will not do as a woman says, mine basically won't do as they're told at all'*

(PWC, Group 3)

*'...they don't help in the house, they sit on the computer, they go out to play'*

(PWC, Group 3)

There were some other specific expenses that parents faced that they felt should be shared with the NRP. Several PWCs told us that when they lived as a couple they had made decisions that had financial implications that they were now expected to continue with as a lone parent. The most common example of this in Bristol (where many pupils do not attend their nearest school) was school transport costs. Parents

typically paid £600 per school year for bus travel to the school of their choice, and were faced with a stark choice when they had to meet this expense out of a much reduced household income. They could either find the money themselves or make their children change schools (moving house was not an option discussed, and would almost certainly prove to be the most expensive outcome).

It is quite remarkable how few people mentioned childcare costs during the discussions. One mother talked about the benefit of cheap nursery provision, which had enabled her to return to work and another mother mentioned that Tax Credits were helpful to offset childcare costs. Just one NRP commented on the high cost of childcare (mentioning £70 a week for one child). We might assume from this that the Government childcare initiatives are making a real difference; and that consequently child maintenance is not used to offset these costs.

### 5.3 Controlling the use of maintenance payments

#### *Summary*

- There is a perception amongst NRPs that PWCs do not spend child support payments on their children.
- There may be some benefit to informing NRPs and PWCs on the intended purpose of child support.
- Alternatively, if the Government moves towards mutual agreements there may be some benefit in including agreement about the ways in which the money is spent.
- Some parents would welcome vouchers as an alternative to cash payments of child support, but there are important arguments for leaving parents to decide for themselves how money should be spent – we suggest that this is seen as a sign of willingness to consider negotiation rather than as a policy suggestion.
- Parents also felt that Trust Funds could provide a useful means of ensuring that children benefit from child support.

It is not uncommon for general discussions about the purpose of Income Support and other state benefits to veer towards debating the need for restrictions on the way benefit money is spent. For example, there is a frequently repeated view that some benefit recipients spend too much of their money on cigarettes and alcohol. Research evidence clearly indicates that this view is inaccurate (Gregg et al, 2005), and current thinking tends towards a preference for encouraging personal responsibility in most areas (although the provision of free school meals and free infant milk are noticeable exceptions). There is a very similar debate amongst NRPs about the ways in which PWCs spend child support:

*'I think the problem for many of us around this table is perhaps a feeling that we're subsidising in some way our ex-wife/partners lifestyle to a greater or lesser extent, and that's another thing that really grates me.'*

(NRP, Group 4)

The findings of this research reiterate the importance that NRPs place on knowing how child support payments are being spent. In many cases their desire for information may seem unrealistic; the problem is perhaps largely one of a lack of **control** over the money. It is important, however, to consider whether there might be some benefit in working to change this perception of NRPs. They are not making general comments about the ways in which their taxes are spent, they are expressing concerns (whether justified or not) about the extent to which they are actually supporting their children:

*'I would prefer it if the CSA – I give my money to the CSA and the CSA gave something to me that would say this is what my money is being spent on...I mean obviously they can't take into account food because they buy that when you do your shopping or whatever, but clothes, shoes.'*

(Male, Group 1)

Some parents told us that their partner did try and influence their spending. This was typically done through the children or by buying items in lieu of making payments. Whilst the second approach appeared to be accepted amongst the parents we spoke to, the first was met with derision, since it required using the children to put pressure on the PWC.

### 5.3.1 Paying child support as vouchers

Some parents thought that it might be easier to encourage NRPs to pay child support if the money was converted to vouchers, or put on a prepaid card that could only be used for certain items. It is indicative of the need for control amongst NRPs, but we were surprised that it was also tentatively suggested by PWCs as a means of encouraging payment.

*'I think they're suspicious that money is not being spent on the children, then there may be something like, I wouldn't say food vouchers...'*

(PWC, Group 3)

Where the idea of making payments by voucher was not mentioned spontaneously, we put it to participants as 'a suggestion made by other parents'. The reaction of the lower income PWCs was positive. They told us that they would be happy to receive vouchers to pay for utilities and for food. Indeed, those with younger children already received milk vouchers, and older children claimed free school meals. These parents indicated that they would then draw out their Income Support as cash, to pay for things where they did not want to be seen to be different, such as taking the children out. They talked about the misconceptions of some NRPs with regard to the ways in which child support was used, and acknowledged that vouchers may

appease them. Although they did not say as much, we suspect that for some it may also take away the pressure of having such accusations thrown at them.

The PWCs with higher incomes, however, had more reservations about a voucher system. The main issue for them was the potential stigma attached, and they compared this to the experience of children they had been to school with who claimed free meals. They preferred the idea of receiving credit on a supermarket card, which they could use to pay. There is a pilot scheme in Michigan, USA that could be developed to suit their needs although it has been set up primarily to cut administrative costs rather than to control personal expenditure. Parents in some counties within the state have been told that they can no longer receive child support payments by cheque. If they choose not to give their bank details they will be provided with a prepaid debit card, backed by the Visa brand. The card could be company/store specific but this may not offer sufficient reassurance to the NRP (see quote below). It might be better (and would, in theory, be possible) to provide the agency or NRP with a full statement from such a card:

*'The voucher in the supermarket can be spent on any item in the supermarket, from whisky to a television.'*

(NRP, Group 4)

It must be noted that it is already common in the US for people to receive benefits in the form of food stamps. Such a scheme would almost certainly be seen as a step in the wrong direction in this country. It would lay the Government open to criticisms of excessive control and of trying to 'nanny' lone parents. Furthermore it would be more complicated to administer, leaving the way open for serious errors. It could also potentially create an illegal market in vouchers, if parents were determined to hold cash instead. For these reasons we would strongly recommend that the lesson from these findings is that PWCs are prepared to consider some level of comment or influence from the NRP in terms of the way they spend child support, and that this indicates that there may be lines of communication open for further negotiation.

### **5.3.2 Paying child support into a savings accounts or trust funds**

Just as some parents thought that it would be good to have some control over the spending of essential child support, others felt that once child support levels exceeded minimum requirements it would be good to find a way of making sure that additional money went directly to the child.

One view that was expressed several times was that any maintenance payments that exceed the amount necessary to support a child (including payments to a PWC who had re-partnered) should be paid into a Trust Fund for the child to access at 16 or 18 years of age. This need not be a Government run scheme – it was simply mentioned as a way of controlling expenses:

*'Why can't I ring-fence some of my money and say well it will go into a fund and he'll have it when he's 18?'*

(NRP, Group 4)

One father said that he would be happy to discuss with the mother what the money in a Trust Fund might be used for, simply suggesting it would be a nice start for his daughter when she left school. Importantly, another respondent was keen to point out that **arrears** payments could not be treated in this way, because they were simply catch-up payments and were needed to offset the debt incurred by a lack of maintenance.

It would appear from talking to PWCs that whilst Trust Funds might be considered to be a sensible option for ensuring that any additional money benefits the child, there is a strong sense that it is not enough to provide for the child's future when there are day-to-day expenses to be met. Our recent work on the Child Trust Fund (HM Revenue & Customs (HMRC)/Personal Finance Research Centre (PFRC), forthcoming) will describe in more detail the relationship between lone parenting and saving for children, but our initial findings from the focus groups do not suggest that parents are saving for their children, and so we cannot assume that enforced savings made by the NRP will free up money currently saved by the PWC to spend on other things:

*'The [idea of a] Trust Fund to me, I mean I would be outraged if somebody suggested that to me. I need maintenance, I need someone to contribute, my child's father to contribute in his upbringing, which is food and electricity and heating and water and clothes.'*

(PWC, Group 2)

Interestingly, the only real advantage of putting child support money into savings beyond that of control was that it might provide 'reassurance' that the 'absent' parent still cared and had made provisions for the child's future.

## 5.4 Compliance and enforcement

### *Summary*

- Parents are frustrated by the apparent lack of effort put into finding non-payers.
- They felt more money should be put into investigating circumstances and physically searching for people, rather than relying on computer systems across Government departments.
- In order to increase compliance Government should increase collection directly from salary, either through HMRC or employers, and from bank accounts.
- There was a feeling amongst some parents that parents who did not pay child support should be made to feel ashamed.

Whatever changes are made to the child support system, it will only be considered a success if it encourages NRPs to make regular maintenance payments on time. It is very clear that people feel that most (or all) NRPs should pay to support their children. It is also apparent that PWCs do not like to be left 'holding the baby' without support, both because of the personal difficulties they face, and their concern about how they are perceived by others:

*'And that's the thing, you get the likes of the working class people looking down on people that are on Income Support and have got kids running around them, and they're like "oh we're paying for them". And really it's not the mother or the father's fault it's the ex-partner who has done a runner.'*

(PWC, Group 2)

In Group 4 (which was made up entirely of male NRPs) there was a sense of frustration that the CSA appeared to be doing little to chase non-payers. Some were also perplexed that they had been made to pay yet others seemed to slip through the net:

*'Yes that's what I don't understand, these absent fathers who aren't paying.'*

(NRP, Group 4)

Several parents assumed that the agency did not have the money available to enforce maintenance orders. They assumed that there were very many non-payers, and talked of them boasting about the ways in which they had avoided making any contribution. Some said it made them angry, and some were particularly cross that a proportion would still be seeing their children.

These NRPs, like PWCs in other groups, felt that the solution lay in physically looking for people rather than assuming the Government systems would pick them up:

*'No matter how hard you try the computer won't find anybody, you've got to be out on the street doing it, you've got to be out on the street looking for them.'*

(NRP. Group 4)

Many of the focus group conversations centred on people known to the participants who were still in contact with the PWC and their child, but were apparently invisible to the agency. In some cases the PWC had even passed on work details. PWCs have told us in our earlier research that they know exactly where their ex-partner lives and works but that the CSA has been unable to 'find' them. We have also been told in the past that NRPs were working for friends and family in order to appear to have very low earnings. Both these findings were reiterated in the focus groups. Parents felt that more should be done to track down errant non-payers and make them pay. Investigators should be used to find out exactly how they are paid, and how much they earn – and the bill could be added to the NRP's arrears. This was likened to investigations by insurance companies paying out to people with a bad back, or benefits fraud teams (it was also compared with both fees for late tax returns and

speeding fines, neither of which are welcomed but both paid by many people each year). One PWC voiced the opinion that the Government was less keen to follow this approach when the money was for the benefit of individuals rather than the Government:

*'Yes and the difference is they've got Benefit Fraud Detectives because those are taking money directly off the Government, whereas the CSA is a different matter altogether isn't it?'*

(PWC, Group 2)

A less common view voiced by NRPs was that enforcement officers must exercise caution. They were concerned that accidentally missed payments may lead to inappropriate treatment. They were also unclear how an agency might identify parents who had severed all ties and were very clearly ignoring their responsibilities.

It was not uncommon for parents to suggest ways in which money could be collected directly from the NRP, with little or no need for compliant behaviour. For example, an NRP suggested that the Government should take money from non-payers bank accounts, and others suggested Deduction from Earnings Orders (DEO) (both of which are options already available to the CSA). These are seen as acceptable methods to extract money from unwilling NRPs. Additionally, even NRPs who would not be happy paying through the tax system themselves felt that it was acceptable to use National Insurance numbers to find out about income and thus, collect child support from non-payers as they earned. It was perceived that this would be problematic because Government agencies do not *'speak to each other'*.

Occasionally, some respondents were perhaps more defeatist about enforcement, suggesting that chasing non-payers may not always be worth the effort:

*'If they're not paying now it's going to be very difficult to find them to get them to pay. I mean sometimes they're wasting money trying, they're wasting time trying to do that, I mean I imagine [it is] a lot of work'*

(PWC, Group 1)

In groups where people voiced this opinion, others tended to counter with the argument that it would make others less likely to pay if the non-payers were let off. NRPs in particular felt that this was the wrong approach.

People were uncertain about the use of penalties for non-payment. Some groups started from the assumption that non-payment should be dealt with severely, then moved towards a system that concentrated on chasing non-payers, whilst other groups tended towards listing a range of penalties as they considered the options for enforcement. One person suggested that NRPs who had avoided payment would be sufficiently penalised if they were forced to pay the maintenance arrears that they owed. But other parents in the same group suggested community service as one method of punishing non-payers, or billing them for the search costs incurred in catching up with them.

In some of the groups people had personal knowledge of the bailiffs being used by the CSA. One PWC told us that the bailiff had been used to collect maintenance from his ex-partner, after three years of non-payment. There was very little reaction to these statements in the groups until we prompted the rest of the group to tell us how they felt about this method of enforcement. On questioning they typically felt that it was acceptable treatment for non-payment. However, one respondent knew of an NRP who had managed to keep even the bailiffs off his trail, and had still not paid the £10,000 arrears that he owed.

It is interesting that there was a common view that the punishment should involve some level of embarrassment or shame for the way in which they had behaved. Perhaps there is a public perception that non-payers are currently shameless. This may also explain why the PWCs did not believe that parents would start to pay child support simply because the Government changed its policy on offsetting payments against Income Support.

Some PWCs thought that it should be considered a criminal offence to avoid paying child support (by which they meant that it should be possible to put someone in prison for non-payment, again an option which is available now). They felt that this would really scare non-payers into compliance, and cause embarrassment amongst those who worked in 'an office environment':

*'It should be a criminal offence shouldn't it: [it is like] not paying for your kids to eat isn't it?'*

(PWC, Group 3)

*'It's a criminal offence not to send your children to school, so.'*

(PWC, Group 3)

However, one male PWC pointed out that in the area he lived many men would be undaunted by the prospect of 'doing time' and may actually see this as preferable to paying what was due. He envisaged a scenario where non-payers were repeatedly sent to jail, without any benefit to anyone. Others in the group suggested that this kind of NRP may react better to community service, because it might provide a higher level of embarrassment for people in their situation.

An NRP was concerned about the impact on children of parents being sent to prison for non-payment. In his case, the fear appeared to stem primarily from a strong need to be in control of payments when contact is denied. If a parent opts to withhold payments to try and force a better contact arrangement, this would backfire entirely if he then ended up imprisoned. However, it is pertinent to think of the impact of a jail term from a child's perspective, and the messages of such an action:

*'I'll tell your children that you've sent me to prison.'*

(NRP, Group 4)

Other PWCs also suggested using community service to punish non-payers. Just one participant thought that this was inappropriate, suggesting that it was 'picking on people'. This respondent would have preferred a less confrontational approach that encouraged payment rather than punishment.

Some respondents thought that non-payers should be reported to credit reference agencies. This may work well to encourage compliance since many NRPs will find that they have increased need to access to credit as they set up a new home. However, as with most deterrents it will not work for everyone; for example, several respondents commented that they were already unable to get credit themselves.

American child support enforcement has come up with other seemingly ingenious ways to try to force compliance, including public lists of the 'ten most wanted' non-payers, and using wheel clamps to immobilise cars of those with arrears. We are not aware of any evidence concerning their effectiveness – though we are far from optimistic about their likely impact.



## 6 Help and advice

### Key implications

Parents would welcome a single source of information, support and advice that would enable them to cope better.

This source, we suggest, should give them the information and emotional support to negotiate child support, contact and other issues with the other parent.

There is currently some advice available, but it is difficult to find out about, can be hard to access, and is very unlikely to provide the emotional support that is so important.

We asked participants to consider ways in which people could be supported so that they could move on with their lives, and so that they were less likely to need state intervention in their child support arrangements.

We also asked them about the advice, guidance and mediation they themselves had sought or would have found beneficial when they became a parent, or when their relationship failed. Some of these have already been mentioned, particularly in relation to mediation services. In this chapter we consider in more detail the needs and experiences of the participants and their own suggestions for improvements in terms of the provision available for parents facing separation or lone parenthood.

There was an overwhelming feeling from all the groups that parents need help and advice at various points throughout their lives. In particular, parents thought that it would be good to have somewhere to turn if they were uncertain how to parent their child, or had financial concerns.

*'I think some people might just need a guiding hand.'*

(NRP, Group 1)

Some people felt that this general provision should include guidance on child health issues, and issues that were particularly topical at the time of the fieldwork, such as healthy eating. This might indicate that a health centre with flexibility to react to

recent news stories and media interest could provide a valuable service to parents of young children, beyond the simple parent and toddler group or baby clinic.

Fathers typically came into contact with fewer support agencies than mothers, and found it difficult to name any services that they were aware that supported parents. Most often, they mentioned the Citizens Advice Bureau (CAB) as a potential source of advice and support when they faced difficulties (as did a number of mothers). However, many parents noted that the CAB appeared to be overstretched (or understaffed) and would need more trained staff and additional financial support if they were to provide a more comprehensive service to parents:

*'They haven't put any money the way of an agency, a neutral agency; the CAB, which I think by every account offers a very, very good service, but it's hard to get an appointment because they're overrun with people who need help.'*

(NRP, Group 4)

We discuss this in more detail below.

## 6.1 Specialist services

### *Summary*

- Current take-up of services depended on awareness, appropriateness and accessibility.
- The services called upon for help included general practitioners (GPs), solicitors and CAB.
- In the absence of formal support, parents turned to friends and family for help.
- Services appeared to be specialist and isolated. They did not typically refer people on to other agencies.
- Services that offer support and advice across a breadth of issues appeared unable to meet demand.
- Parents had not looked to the Child Support Agency (CSA) for help or advice, and did not suggest it as a possible provider.

It is clear that parents would welcome encouragement to negotiate child support between themselves, without turning to the CSA:

*'Anything's got to be better than the antagonistic system that we have.'*

(NRP, Group 4)

Most people who took part in the focus groups felt that there was very little available in the way of specialist services offering general information, advice and support for people going through a divorce or separation, or for those parents who had never lived together:

*'When you divorce, separate or split up or whatever, there's nowhere to go like a drop-in-centre.'*

(PWC, Group 2)

Some participants had turned to solicitors, mediation services, health care professionals and the CAB for support when they faced parenthood or separation. Nobody in the groups mentioned turning to more specialist organisations such as Gingerbread, One Parent families, or Families Need Fathers, despite being given several opportunities to discuss such options.

A major problem people experienced when looking for help and assistance was a lack of awareness of appropriate services. There appeared to be very little information on where to go for help. At best, this meant a delay in finding out about services that could help. At worst, people missed out on much needed support:

*'I didn't realise what was available as a single parent, and I found out by accident because I went back to study and I just thought "this is ridiculous".'*

(PWC, Group 3)

It was not uncommon for participants to have had no formal advice, and little idea of where to turn. In the absence of clearly defined specialist services many had naturally asked family and friends for advice and support:

*'Well families are usually the ones that help first and then after that you go to friends. But there's no one authority that I could think of.'*

(PWC, Group 3)

*'To be honest it was just picking up information from some of the guys that I knew, that I work with who had gone through the same thing.'*

(NRP, Group 4)

Of course, for some parents the advice and support provided by family and friends was not sufficient. Although most contacts were able to provide emotional support, they generally did not have the knowledge and expertise to guide the parent through the complex issues, or to help them navigate the network of services available to support those going through divorce or separation. Furthermore, they may not have been able to deal with the complex emotional issues faced by the parents at this time, despite their best efforts.

Many participants commented that the services they were aware of were unable to meet their needs, precisely because they could only offer advice in their specialism and rarely signposted or referred on to other organisations. It is clear that signposting and referral is not being provided as a matter of course, as we discuss below, using examples of the types of services most frequently mentioned. As one non-resident parent (NRP) commented, organisations seemed to be working in isolation; they were not able to provide a more joined-up, holistic approach to those accessing their services:

*'Something I think needs to be put in place to support the work that is being done in holes and corners.'*

(NRP, Group 4)

A natural place for some to turn to, especially those who had experienced stress and anxiety as a result of their separation, was their family doctor, or GP. However, although most felt that GPs went some way to alleviate their physical symptoms, they did not feel that they had the knowledge or indeed the time to assist them. Once again, they also reported that they were not signposted to other specialist agencies who could help them:

*'I went to the doctors because I was off work with stress when I went through a break-up, but nobody guided me in any way, they just gave me a pill and off you go... They don't know, that's not their job, they haven't got the time that's the thing they haven't got is time.'*

(PWC, Group 3)

It is perhaps worth noting at this point that men access GPs rather less often than women.

Parents found solicitors to be good at describing the technical and legal aspects of divorce (although in some cases we would suggest the information given was out of date or wrong). However, some noted that their solicitor had not made them aware of other services available to them.

The most widely recognised service that was known to support people over a range of issues was the CAB. They are perhaps also better equipped to signpost and refer people on to more specialist organisations than other services. However, it was particularly noticeable that in Bristol (the location of the focus group participants) they appeared to be unable to meet customer demand. A small number who had tried to access local offices had eventually been put off because they experienced problems getting through to speak to somebody on the telephone:

*'I could never, whenever I tried to get through to them, I tried every single day for hours and hours...you can never get through.'*

(PWC, Group 2)

*'They're quite hard to get hold of, the Citizen's Advice, I tried them.'*

(NRP, Group 4)

One of the organisations that supports lone parents, One Parent Families, asked callers to its own helpline about the difficulties they faced in accessing support and advice (Moorhead et al, 2004). They reported that there needed to be an increase in provision, and an improvement in the quality and availability of advice, as well as to accessibility. They concluded that the Government should *'drive the policy agenda to ensure that adequate and comprehensive advice provision is put in place'*.

It is worth noting that parents did not mention asking for advice from the CSA. The CSA prints a credit card sized leaflet signposting other organisations that support parents. We handed out some of these to the NRP group, and discovered that none of them had seen the leaflet before.

## 6.2 Type of help needed in the future

### *Summary*

- Parents felt that there was a need for a single neutral information and support service.
- Topics that this service should deal with include finances, mental and physical health, legal issues and practical advice.
- It would be helpful to provide support to parents in any event, but vital if policy moves towards increased levels of negotiation between parents around child support and/or contact.

Both parents with care (PWCs) and NRPs felt there was a need to have one neutral organisation that everyone could turn to for accurate information and advice on all aspects of relationship breakdown. It should be able to deal with issues relating to contact negotiations and financial issues and legalities surrounding separation. Furthermore, it must offer access to medical and emotional support, and provide information on other more practical issues such as housing and parenting:

*'I think that we need a basic organisation you can go to that can advise you what road to go down and what your options are. There's no help with any of it. You don't get told the facts and there's no way to find them out or what your options are, who you can turn to, and then maybe not go to the CSA and find other ways of obtaining maintenance.'*

(PWC, Group 3)

*'That's the hard point though isn't it, right from the minute when the partner walks out the door you're on your own, and you think, "oh god what do I do now?" And that's what you need, is somebody who can step in and say "these are the options".'*

(PWC, Group 3)

In particular we should focus on the request for emotional support. This was felt to be especially important amongst respondents. Many had experienced the emotional effects of relationship breakdown, and an expert guiding them through what some described as a bewildering process might have helped them reach a more acceptable and quicker resolution. It is also clear from Section 6.1 that participants had been unable to access emotional support from anyone outside family and friends.

All felt that at the very least there should be a central service that could provide expert advice and then signpost people to the appropriate local and national organisations which could help with specific aspects of their situation. Most however, would prefer to see this service offering much more than just signposting:

*'Somewhere to go where you can have experts in all the different fields who can give you advice on how you're feeling, you can have someone who advises you roughly on advice about splitting up and the legal side, but experts in different fields who could be there to reassure you.'*

(PWC, Group 3)

Most felt that the ways in which parents might access such a service would be critical to it meeting their needs. This was especially true at times of crisis where a prompt, but holistic approach was vital.

There was general agreement that there was a need for a combination of telephone and face-to-face support to meet everyone's needs. This was especially true for those who, because of low self esteem, felt less able to meet new professionals face-to-face. In addition, more practical reasons such as childcare and transport issues were important in providing alternative methods of access:

*'I'd be more happy to have a telephone number, sort of telephone help support in that way rather than a group, because when you first break up you're quite low and your self esteem can be quite low, and the last thing you want is more strangers.'*

(PWC, Group 3)

Many felt there was a need for not only face-to-face support from professionals, but also with people who had been through the same experience as themselves:

*'You can have discussions with other people in similar situations and swap ideas.'*

(PWC, Group 3)

It was not uncommon for parents to comment that support should be provided on an ongoing basis and not just at the point of separation. They noted that many issues and problems can arise a long time after the initial separation:

*'To talk about problems at home, you know when it kicks off, you're a single parent it's "crikey what have I got to do?".'*

(PWC, Group 2)

### **6.2.1 Services and advice available**

It is very clear that the majority of providers currently offering support to parents who live apart discuss their services in terms of practical advice, rather than emotional support. It could be argued that solutions to practical problems may help alleviate the emotional pressure of being separated from a child or partner. However, there is a real possibility that parents need help dealing with their emotional problems

**before** they can address practical issues. If parents feel very strongly that they need emotional help they will almost certainly end up using the services of mental health organisations or counselling services, which in turn may not be able to provide them with the practical support necessary to overcome their problems.

We felt that it would be useful to know whether the parents we spoke to were missing out on any obvious forms of support. With this in mind, we looked for sources of information ourselves through asking people and searching online. We summarise, in Table 6.1, the main types of help and advice available from the organisations we came across.

It is very clear from this that printed material is produced by most of the organisations. However, fewer offer face-to-face support or advice, and very few offer a range of services. We also found that some services are available nationwide, whilst others have patchy coverage. If policy moves towards relying on parents to come to mutual agreements, then it is imperative that existing providers are supported to offer accessible support to everyone, or that a new multi-agency provision is created and properly funded to allow parents to get the help they need. Even if child support continues to be collected via a Government agency, there is clear indication that parents would benefit from additional support and advice.

**Table 6.1** Types of information and advice available from selected services supporting parents living apart

	Advice			Printed materials			Emotional support			Work-shops	
	Phone	F2F	Email	Leaflets/ booklets	Internet	Phone	F2F	Email	Self-help groups		Internet forums
Association of Shared Parenting					*						
Aquila Trust						*		*			*
British Association for Counselling and Psychotherapy							*				
Citizens Advice Bureau (CAB)	*	*	*	*	*						
Community Legal Service	*			*	*						
Fathers Direct				*	*						
Families Need Fathers	*			*	*	*			*	*	*
General practice							*				
Gingerbread	*		*	*	*				*		
MIND				*	*	*			*		
National Association of Child Contact Centres	*			*	*					*	
National Association for Child Support Action			*		*						

Continued

**Table 6.1 Continued**

	Advice			Printed materials			Emotional support			Workshops	
	Phone	F2F	Email	Leaflets/ booklets	Internet	Phone	F2F	Email	Self-help groups		Internet forums
National Debtline	*			*	*						
National Family Mediation		*									
One Parent Families	*		*	*	*						
NCH (Previously known as National Children's Home)	*			*	*						
Parentline	*		*			*		*			*
Relate		*				*		*			*
Resolution	*	*		*	*						
Shelter	*	*		*	*						
F2F = Face to face											

These organisations were chosen by searching on the internet and through talking to parents. They are the most frequently mentioned organisations that support parents, but the list is not exhaustive.



## 7 Discussion

In this report we have summarised the views of parents in relation to a number of possible future policy options for the Child Support Agency (CSA). The report (including the discussion in this chapter) is not intended to be a full investigation into the **practicality or validity** of such options, but rather an independent summary of opinions. As mentioned at the beginning of the report, the views expressed are those of the participants or the authors; they are not intended to reflect the position of the Department for Work and Pensions (DWP) or the CSA.

Neither the CSA nor the previous child maintenance arrangements have succeeded in delivering reliable maintenance to a high proportion of parents looking after children. Only half (51 per cent) of parents eligible to receive child support have maintenance arrangements in place (FACS, 2004) and fewer than a third of lone mothers receive maintenance (around 30 per cent). The proportion of lone mothers receiving maintenance has not risen since the late 1980s (Bradshaw and Millar, 1991), and may indeed be lower than in the early 1980s (Weale et al, 1984).

It is arguable that the fact that the percentage of lone parents receiving child support has not fallen represents something of a success, as there are now proportionately more of the 'more difficult' cases. For instance, maintenance compliance is higher for the formerly married, but this group makes up a declining proportion of those entitled to child support. In any event, the kind of sea change hoped for in delivering maintenance to more families has not been realised (NAO, 2006), and there is renewed interest in looking for new ways of getting more money to more families.

In the remainder of this chapter we adopt a more discursive tone than in the main body of the report in considering the findings of the research in a broader context. We draw on our own knowledge, and the research of others to help put the findings into context.

## 7.1 Responsible parents?

Parents regard the state with considerable scepticism when it tries to become involved in family matters (Burgess, 2005). They see the state as having little role to play in circumstances where parents are able to resolve matters between themselves. The focus group participants for this research thought that parents could and should arrange a sensible system of monetary support following separation. That was seen as the ideal, and if parents were able to do this then no state agency should take it upon itself to intervene. Several parents told stories of how working arrangements were upset by the CSA becoming involved, typically when the parent with care (PWC) applied for Income Support. An agreement was overturned by the CSA (which might have been agreed between parents or settled through court or solicitors) and, in some instances, the attitude of the CSA on contacting the non-resident parent (NRP) appeared to be that there was no proof that maintenance had ever been paid.

Whilst many couples would be able to sort out a sensible level of maintenance when separating, parents in the focus groups quickly recognised that this would sometimes require external intervention of some kind. This might be in terms of mediation of a professional kind, or national guidelines about the level of maintenance that would be appropriate for families of different kinds and with different levels of resources.

It was also clear that many parents would be unable to reach agreements themselves. This might relate to cases where there had been violence, or a simple intransigence towards paying any maintenance once a relationship had broken down. As we have shown, a noticeable proportion of people believed that a re-partnered PWC has less of a claim to maintenance. It is perhaps understandable, given these beliefs, that some NRPs are reluctant to pay maintenance once their ex-partner is cohabiting with a new partner or remarries. But with strong support for there being a parental obligation to pay maintenance, there would need to be a body with sufficient clout and administrative competence to enforce child support in such cases.

There is a danger that a sudden move towards greater parental agreement or negotiation may be perceived as an abandonment of child support as an important plank of policy, or as an admission of the final defeat of the CSA. Questions would be raised about the levels of existing debt, and how this would be handled. Those parents who have struggled to reach a degree of satisfaction with maintenance, and have needed to involve the CSA to do this, may wish to continue such arrangements and not start afresh.

It is also important to address concerns that a policy based on individual agreement would reflect power imbalances in couples. One advantage of an agency-based approach is that it functions as a third party, in principle enforcing transparent objective levels of support in a neutral way. If individuals are left to negotiate for themselves, then the amounts may be set at inappropriate levels. For example, parents who feel more 'guilty' for the breakdown of the relationship may agree to

pay more, or to receive less, than those who feel 'innocent' of the reasons for the split. The legal system may have abandoned 'fault' as having any relevance in financial settlements but for many parents the concept of blame seems alive and well.

There is also a danger that parents make those agreements that make most call on the public purse and least on themselves – which is where the court system may have ended up prior to the CSA. A larger share of assets to the PWC, and a lower level of maintenance from the NRP, might suit a separating couple but at the expense of public spending on benefits.

Maintenance Direct provides something of a model for how things may be arranged. Even so, the CSA calculates the level of maintenance in such cases.

## 7.2 Maintenance systems

In the main body of the report we considered different kinds of overall maintenance delivery systems, ranging from guaranteed maintenance approaches to relying on parents to negotiate settlements themselves. In this section we draw together some of the key findings, and consider the policy issues raised by parents' opinions. We also consider in more detail the implications of the policies drawing on other research as appropriate, as we did not have time to cover all of these in the 1 ½ hour discussions with parents.

### 7.2.1 Guaranteeing maintenance

Some commentators have looked to the Nordic countries and their systems of advance guaranteed maintenance for solutions. Under such arrangements a specific 'maintenance benefit' is paid to eligible parents, often at a fixed level unrelated to the means of the paying parent. The state then attempts to recover this sum from the paying parent, thus bearing the risk of any default or non-compliance<sup>10</sup>. A similar system called Guaranteed Maintenance Allowance (GMA) was proposed for the UK in the mid-1970s by an official committee of inquiry (Finer 1974).

It is arguable how far the current UK arrangements might be said, at least for those receiving Income Support, to proxy such a system. For these parents, it is compulsory to register with CSA, and the amount they receive is taken into account when calculating their benefits. However, the actual amounts of Income Support are paid,

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<sup>10</sup> Amounts of guaranteed maintenance are often set at relatively low levels, not varying by actual liability. So, for instance in Denmark in 2005, the basic level of maintenance was around £1,000 per year. Moreover this is deductible from income-tax for the payer and taxable for the recipient – meaning the payer meets rather less than the full cost. [[http://www.workindenmark.dk/Need\\_to\\_know\\_family/0/4/0](http://www.workindenmark.dk/Need_to_know_family/0/4/0) accessed 1 July 2006].

regardless of whether a maintenance liability is enforced (except in cases where the PWC refuses to co-operate without good cause). Of course, the arrangements are currently **described** in very different terms from this, and any 'guarantee' element ceases on moving into work.

Whatever the potential attractiveness of an advanced maintenance system to commentators, the concept was found to be unpopular and indeed rather alien by the parents we spoke to. By and large people's views were that parents and families should act in autonomous ways where possible, with a minimum of state intervention that should be reserved for more intractable cases. If maintenance was to be guaranteed, then parents had a variety of concerns. Some were concerned that the recipients would be further stigmatised for their package of income, a stigma some already felt was quite high for lone mothers on benefits. Others felt that important 'incentives' for PWCs to be co-operative about contact would be removed (but, of course, others may see this as a benefit). They thought that, without the 'sanction' of the father stopping maintenance, some mothers might be more obstructive about contact – this is a further indication of the linking in people's minds of the separate concepts of child contact and child maintenance. One of the main incentives to pay maintenance – to benefit one's children directly – would be removed in one fell swoop if the money was paid to PWCs regardless of the actions of the NRP. The incentive to comply, at a time of relatively low compliance, would arguably be reduced under a system of guaranteed maintenance.

Those parents most likely to see the merits of guaranteed maintenance were those with high commitments (particularly mortgages) who relied on receiving relatively high levels of child support.

It is possible to imagine responses to many of these points, and to demonstrate countries where advanced systems appear to be working reasonably well, or even very well. But in the UK context such an approach would encounter a strong mix of scepticism and general disbelief among parents. The system would require a great deal of explaining, and appears to have little natural support from parents on which to build.

### **7.2.2 Court-based systems**

The parents we spoke to had differing perceptions and experiences of the legal system as a whole. Some had good experience of solicitors helping to resolve contact disputes; others noted the detailed case-by-case approach to conflicts which enabled each side to put their case; many were very mindful of the expense involved in going through lawyers and using the courts – at least for those not supported by legal aid.

In retrospect, some of the problems identified with the court-based system, and which helped lead to the 1991 Child Support Act, may have been overblown. Moreover the system replacing it has not proved better on all measures, including on timeliness. Nevertheless, without a significant legal change, proponents of court-

based models need to make clear how **unmarried** couples are to be included. Cases where separating couples are unmarried, and may never have lived together, are an increasing feature of society and pose particular problems of compliance for the CSA. A strength of the CSA (and the surrounding child support legislation) has been the equal treatment of children within child support, irrespective of the legal marital status of their parents.

At present courts have responsibility for 'ancillary relief' when couples divorce. This concerns how property, savings and pensions are divided between couples when they divorce. But it can also involve the payment of spousal maintenance and top-up child maintenance of various kinds (for children older than 18, for disabled children, for school fees, and for those with incomes above the maximum payable under CSA rules). It can also recognise amounts of child support that parents agree between themselves, although a later CSA application will overturn such an order. It may be that some couples will be able to agree child maintenance as part of divorce – though there may still be a case for updating levels of support as circumstances change. For this minority of separating couples, this could provide a means of reaching agreements and keeping disputes away from an alternative agency.

One other important difference between the legal system and the current child support legislation is that solicitors act on behalf of their client (the parent), rather than in the overall interest of the child or the taxpayer. A solicitor might advise an NRP on ways to minimise child support payments, whilst PWCs would be given advice on ways to maximise their maintenance package. Similarly, solicitors may advise some clients to use the CSA to override earlier court agreements, whilst suggesting to others that they avoid using the CSA wherever possible. We might conclude that if we were return to a court-based system then child support should be arranged by a solicitor acting on behalf of the **child** (as happens in some other countries such as Greece, as described in Xanthaki, 2000).

### 7.3 Compulsion and disregards – families receiving Income Support

At present parents with qualifying children applying for Income Support are obliged to use the services of the CSA. Of any child support received, they retain at most £10 per week. Other parents may choose to use the CSA, and generally retain all of any child support paid.

It is possible to envisage a situation where using the CSA was voluntary for all parents, but where maintenance was still declared and taken into account in calculating Income Support. However, it is just as easy to think of circumstances where those receiving Income Support would not declare any maintenance received – perhaps because it was irregular, or provided in-kind through the NRP making specific purchases of items rather than directly providing cash. On the other hand, others might argue, as most of the parents we spoke to did, that it would be unjust to use child support to benefit 'The Treasury' rather than the children for whom it

was intended. No such public expenditure priority is invoked for those receiving tax credits, after all, having been removed with the introduction of Working Families' Tax Credit in 1999.

It would, therefore, seem sensible to consider again the interaction between the obligation to seek child support and its treatment as income within means-tested benefits. A rather higher child maintenance disregard (say £20-£30 rather than the current £10 of the Child Maintenance Premium) would probably make the issue academic for most recipients of Income Support. Alternatively, if child support was treated as the income **of the child** (not the parent), then in most cases Income Support would be unaffected. Of course, ceasing to count child support as income at all would be a simple alternative.

## 7.4 Incentive effects of policy options

Child support is one of a number of benefits that parents with children may be able to access. It is, therefore, important to consider the way in which it interacts with other benefits, not only from the perspective of the individuals involved but also from a policy perspective.

There have been many schemes around the world aimed at either reducing expenditure on benefits, or reducing reliance on benefits. These schemes typically work on the principles of incentives and deterrents ('carrots' and 'sticks'). A policy is designed to encourage people to make a choice that is considered to be in the best interest of individuals and/or society either by providing a reward for making the 'right' choice, or by making the alternative unpalatable. In the UK, there has been an emphasis on creating incentives to encourage lone parents into work combined with support for all low-income families with children, in order to meet targets to reduce child poverty. But this is in sharp contrast to the US, for example, where out-of-work benefits could be described as punitive and are designed to force parents to look for work (see for example Gregg and Harkness, 2003)<sup>11</sup>.

Research into the incentive effects of policy changes aimed at families on low incomes and lone parents in particular, often assumes child support has no impact. Yet, whilst most benefits are based on the circumstances of the recipient, child support is based on the circumstances of the payer, and as such can vary enormously from one household to another. It may, therefore, be expected to create very different incentives across households, which could either multiply or diminish other incentives.

We did not discuss with PWCs the incentives that are currently in place to encourage them to work. However, it is apparent that the PWCs who were claiming Income Support had not been encouraged to seek work either by the childcare element of

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<sup>11</sup> For a fuller summary of the benefit packages offered to parents in different countries it is helpful to refer to Bradshaw and Finch (2002).

Tax Credits or by the opportunity to keep the whole child support payment if they moved off Income Support. Neither had they sought new partners who were better-off in order to reduce their reliance on benefits (both of which are behaviours that might be predicted by economic theory).

Whether or not parents will change their behaviour depends on at least three things: 1) the extent of their knowledge of the interactions between benefits, tax credits and child support; 2) their ability to undertake a 'better-off' calculation of their own circumstance (see Ford et al, 1995); and 3) their willingness and ability to modify their circumstances when their economic situation changes. This suggests that there may be some benefit to PWCs and taxpayers from showing parents calculations of their predicted income based on a range of scenarios, so that they are able to make informed choices<sup>12</sup>.

#### **7.4.1 Possible models for offsetting child support and guaranteeing maintenance**

On the whole we have summarised the reactions of focus group participants to various policy initiatives, but in the following discussion we highlight other issues that were not raised by the groups. We summarise possible incentives created by variations in the treatment of maintenance payments, assuming that parents are made aware of policy changes and how they may be personally affected by them.

**First, retaining the status quo.** The key features of this option are:

- Working parents get to keep child support, and get income-related tax credits and child care allowance. They have an incentive to stay in work (a low incentive to leave work in favour of living on Income Support).
- Non-working parents keep up to £10 per week of child support, but the rest is used to offset benefit payments. In theory retaining full maintenance payments following a move to work should act as an incentive to take paid employment. In practice, their decision to go into work depends on a range of factors including the availability of work and child care. Furthermore, the amount paid by the NRP is unique to each household and so might be expected to create very different incentives across families.
- The incentive for the NRP to comply with a maintenance order is low if he knows that his money is being used to offset benefits, but frustration levels are higher if he does not know that CSA involvement is related to benefits payment.
- Child support payments do little to reduce child poverty, since they are largely offsetting money paid in benefits.

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<sup>12</sup> There are already facilities to do this online (see, for example [www.entitledto.co.uk](http://www.entitledto.co.uk)), but they were not mentioned by any of the participants.

**Full pass-through:**

- In this model, both working parents **and** non-working parents keep all their child support. If this model was adopted, in the long run child support would not impact on the PWCs decisions about whether to take and retain paid employment (since the equation would have child support on both sides). For this reason the actual maintenance amount will not create varying incentives across households.
- **But**, in the short term, parents who are on a low wage may be given an incentive to stop work – because they would now be better off not working, than they would previously have been if they had not worked. The incentive for non-working parents to look for work may also be decreased in the short term, because they would now be better off despite remaining in the same position.
- The incentive to an NRP to pay maintenance is higher, since the money is going directly to the family, but frustration over the amount that he has to pay may increase if it is seen as an alternative to finding work.
- Child support would be directly helping to alleviate child poverty, but **variations** in levels of poverty amongst households receiving Income Support or low wages would increase.
- Furthermore, **children** whose parents receive little or no child support may feel increasingly marginalised if child support was disregarded against benefits. They would be relatively less well off, and perhaps feel let down by their NRP.
- In the long run, it is reasonable to assume that parents who do not receive substantial child support payments would request additional support from the Government in order to have a similar standard of living to their neighbours. These would be the families most likely to be living in poverty according to the Indices of Deprivation.

**Increased maintenance premium:**

- In this approach PWCs in receipt of Income Support keep up to, say, £80 per month child support on top of their benefits package.
- Working parents have a small, short-term incentive to give up work if the increased maintenance premium approaches their take-home pay.
- Non working parents get to keep more child support, and so may have less incentive than before to seek work.
- The incentive for NRP to pay increases, because more of his money is being spent on the child, rather than offsetting benefits. But, as with the previous model, he may be frustrated by the reduced incentive for the PWC to find work, and the perception that he is paying to keep her at home.
- Child support is benefiting families more, and so helping to reduce child poverty.
- But some parents will still receive less than others, either because the NRP was on a low income, or because he was not paying.

### **Guaranteeing maintenance:**

- In this approach the Government bears some or all of the risk that the NRP may not pay maintenance.
- In Austria, for example, parents are guaranteed advance payments equal to the level of child-support expected from the NRP (or a fixed amount if no assessment has been made) – and payments are disregarded for income support (Bradshaw and Finch, 2002). This system would not be in the interests of tax payers in this country whilst the Government has such a poor record of collecting maintenance due, and is unlikely to meet widespread support. It would create an additional incentive to default on payments, and would be seen as promoting relative poverty, since money guarantees would vary depending on the income of the NRP. However, it would benefit those parents with the largest financial commitments most, but may also enable others to access credit based on a guaranteed income stream.
- Guaranteeing maintenance at actual levels would become increasingly complicated over time. If an NRP had further children to support, would the guaranteed level fall? Would the PWC expect her income to be maintained if the NRP lost his job? These questions would be difficult to answer. A more appropriate solution to parents facing an uncertain income stream may be to seek private insurance against a loss of income, or budget without the expectation of such money.
- If child support was guaranteed at a fixed level for parents on low incomes this would lead to virtually the same outcome as increasing Income Support but then offsetting all child support payments against it. It would potentially reduce compliance still further, since the amount owed by the NRP would be covered regardless of his compliance. However, it would have the advantage of ensuring that no families with children were worse off simply because they were not receiving the maintenance premium, as is currently the case.
- If child support was guaranteed at a fixed level for all parents, this would be equivalent to increasing child benefit, but offsetting child support payments against it. It would serve only to preserve income streams and increase the package of benefits to parents with children.

## **7.5 Contact**

The conceptual separation of contact with children (a right of the children to see parents) and child support (the duty of the NRP to pay the PWC) is an important legal principle. It is not entirely apparent that this principle is expressed so clearly. Property settlements around divorce will often depend on children's residence and contact patterns at the time of separation; child support calculations in the UK have typically allowed some recognition for overnight stays with parents or the costs of NRPs remaining in touch with their children.

In any case this cornerstone of legal theory is not recognised by the parents involved in this study – or other research (e.g. Bradshaw et al 1999). Each of these two activities (paying maintenance and facilitating contact) is viewed as the 'right thing to do' by mothers and fathers. Parents could nevertheless understand (if not always condone) parents changing their behaviour to try to effect change in the other parent.

Policy should tread carefully into this difficult balance. There has been considerable publicity given to the actions of particular pressure groups, particularly Fathers4Justice, who have argued that the family courts have not taken contact between fathers and children seriously enough. There is considerable dissatisfaction both with child contact arrangements and with child support – even if parents were not directly affected by problems in either area, their perceptions often were. For many parents it seems reasonable to expect progress on both fronts in parallel, and not in one to the exclusion of the other.

## 7.6 Information and advice

Despite the consensus within the focus groups that parents have a moral obligation to support their child, participants felt that the contractual and legal aspects of marriage, parenthood or separation were not always well understood. Nor, perhaps, was there much information provided during these events that would have made these clear<sup>13</sup>. Furthermore, some parents were uncertain about where they could turn for emotional support.

In this information vacuum people tended to seek advice from a wide range of people and sources, but the sources they were able to access were haphazard and depended on personal knowledge and established networks. The NRPs probably received less information and advice than the PWCs, and probably did less to seek out such information.

Information and advice about what to expect when relationships end could help to reduce the stress that parents face, and pave the way for more amicable negotiation

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<sup>13</sup> In Florida, those applying for a marriage license receive a leaflet setting out the legal status of marriage and what they may expect if the marriage ends, regarding the residence and support of children. The plain language advice includes: *'It is not acceptable or appropriate to fail to permit a parent to spend time with children because that parent has not paid child support. It is equally unacceptable to fail to pay support because the other parent has not made the children available. Two wrongs don't make a right. Under either set of circumstances, the statutes provide methods for enforcement of the court orders.'* ([http://www.flclerks.com/PDF/2000\\_2001\\_pdfs/7-99\\_VERSION\\_Family\\_Law\\_Handbook.pdf](http://www.flclerks.com/PDF/2000_2001_pdfs/7-99_VERSION_Family_Law_Handbook.pdf))

and less reliance on Government support. The positive benefits of such support could be expected to impact on the parents, the children and any new family members as well as reduce the workload of the CSA.



# Appendix A

## Opt-out letter



ADDRESS

Dear ,

**Child Maintenance: Your Views Are Important!**

**A chance to have your say - and be paid for it**

I am writing to request your help with an important study commissioned by the Department for Work and Pensions (DWP) that will gather parental views and opinions on the future of the child maintenance system. The purpose of the study is to help the DWP gain a better understanding of the views and attitudes of people who pay and receive child maintenance payments – whether this is through the Child Support Agency or whether parents come to a private arrangement – and what people might expect from a child support system in the future.

The study is being carried out by researchers at the *Personal Finance Research Centre* at the University of Bristol and they will be holding discussions with groups of parents in the Bristol area over the next few weeks. ***We would like you to be involved.*** Your participation in this study is entirely voluntary, but the more people who take part, the better the research will be.

The researchers will be asking your views about a number of options for changing the system of collecting child support. It will be an exciting opportunity to help steer future policy in this area. You would not be expected to give out personal information or discuss your individual circumstances at the focus groups, but we would like you to draw on your experiences during the discussion, which will be looking to the future rather than the past, and at the general picture.

**Will it be confidential?**

**YES.** Your name has been selected at random from the records of people who have had maintenance worked out by the Child Support Agency. The Department for Work and Pensions will not know whether or not you take part in this research and your decision cannot have any effect on your entitlement to benefits, any obligations you may have to pay maintenance or your dealings with any government department. Your details will not be passed to anyone outside the Research team at the University of Bristol.

**In order to properly capture your views and opinions, the researchers will make audio recordings of the focus group discussions: these recordings will be held in the strictest confidence** by the researchers at the University of Bristol and used only for the purpose of writing a research report. The report will not identify you or your family in any way.

**How to let the researchers know whether you want to be involved or not.**

We would very much appreciate it if you could contact the research team at the University of Bristol as soon as possible and tell them **whether or not** you would like to be involved.

You can telephone the Research centre administrator **David Collings** on 0117 928 8634, or write to him at the *Centre* (address below) – by post or email. However you make contact, please give your **research reference code**, **CSAxxxxx**. All identifiable personal details will be deleted after the discussions, or immediately if you have told the *Centre* that you do not want to be involved.

**Postal Address**

Personal Finance Research Centre  
University of Bristol  
University Road  
Bristol BS8 1SS

Email: [ggy-pfrc@bristol.ac.uk](mailto:ggy-pfrc@bristol.ac.uk)

**What happens next?**

Unless you have told the Researcher team that you do not want to be involved one of their researchers will try to contact you in the next few weeks to tell you more about the study and to ask you to take part in a discussion (sometimes called a “focus group”). The focus group will last approximately 1 ½ hours and, in return, the research team will offer you **£25** to thank you for taking part.

The researchers will not have time to talk to everyone, unfortunately, so if you have not been contacted by the end of May, 2006 you will know that you have not been selected to join a focus group.

If you have any questions about the research please do not hesitate to contact David Collings at the Personal Finance Research Centre. Your views are very important in helping us to improve the child maintenance system and I do hope you will be able to take part in this important study.

Yours sincerely,



Jane McConkey

Department for Work and Pensions



# Appendix B

## Topic guide

**Future policy options for child support:**

**The views of parents**

**Topic guide for focus groups with parents**

### **MAIN AIMS OF THE STUDY**

- To collect the views of parents on possible options for redesigning the child support system
- To investigate the reactions of parents to possible policy options

## **1 INTRODUCTION**

PFRC – is an independent research centre at Bristol University.

The purpose of this discussion is to consider future policy options. We will not have time to talk about your current or past experiences of the CSA or your relationships but we would like you to draw on your own experiences in the discussion.

Recording to ease note-taking. Recording will not be shared with DWP/CSA

It is important that everyone present at the focus group agrees that anything discussed will remain confidential within the group. **If you recognise anyone in the group and would prefer not to share your views please do let us know before we start.**

There are no *right* and *wrong* answers; we want to know your views, and to understand how people's views vary.

Report to be used to inform policy changes in a review after June 2006.

### **Part 1 Introductions and basics**

Intro to child support topic, terminology (NRP, PWC etc).

Note particular interest in *financial support*

Personal introductions

First name

Number and ages of children

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### **Part 2 The responsibility to support children (regardless of circumstances or living together)**

What are parent's responsibilities with regards to their children (generally – not just during separation):

Mothers

Fathers

Do parents have an absolute responsibility to support their children?

Emotionally (love)

Financially

Should parents be given information telling them about their emotional and financial rights and responsibilities?

- When?
- Who from: Health visitor, school? What format?

### Part 3 Parents who do not live together

Which professionals do you think parents are most likely to turn to if they are supporting a child alone or if their relationship fails?

- Who from: Health visitor, school.... What format?
- AND who should provide advice about child maintenance?

In what circumstances should one parent support the other parent financially by paying child maintenance?

In what circumstances should neither parent be obliged to pay child maintenance?

Prompt if necessary/appropriate:

- Gender
- Income – relative to each other; changes
- Unplanned pregnancy or unmarried couple
- Contact issues (shared care, one parent refusing/blocking contact? What if the courts prevent direct contact? What if one doesn't want contact?)
- What if the mum just doesn't want the money?
- What if the dad/mum was violent or abusive?
- Re-partnering?
- When should payment start?
- When should payment stop?

(GIVEN THAT IT MAY NOT BE APPROPRIATE TO GET EVERYONE TO PAY..)

How important is child maintenance to the people who receive it/pay it?

What impact does paying/receiving it have on household budgets?

What happens to families with children who do not receive child maintenance?

#### Part 4 Overseeing the process

In what circumstances could parents sort out their own arrangements for child maintenance?

If they decide to sort it out themselves should a professional help them come to an agreement?

- what help could the professional offer?
- E.g agreeing an amount, recording payments, setting rules?

If parents try and agree between themselves but it does not work out, what kind of help could be offered to them?

Does the Government EVER need to be involved in collecting child maintenance or monitoring agreements between parents?

Would people be prepared to pay a fee to use a Government collection agency if using CSA became entirely voluntary?

If the Government is involved in collecting or monitoring child maintenance should everyone be made to register to use the service?

OR

Should the Government encourage private arrangements between parents?

Should the Government pay child maintenance if parents don't/won't?

- How long for?
- How long should they wait before they step in?
- How much should the Government pay?
- Would this make parents more or less likely to make regular payments?

If the government does cover unpaid child maintenance should it do so for everyone?

If it doesn't guarantee maintenance what other support might parents need?

## Part 5 Paying and receiving child support

Should the amount paid/received vary according to

- Their circumstance– change in job, new family etc
- Their ex-partners circumstance – change in job, new family etc
- Age/characteristics of child
- Something else?

Could maintenance be collected through the tax system?

Could the money be paid through tax credits?

How could the Government make sure that people pay what they are supposed to?

- Should people be punished for not paying, or just forced to pay?
- How should people be punished?
- Should punishment be used to send out a warning signal to other potential non-payers?
- How do people morally view non-payment in comparison to: drink-driving, speeding, denying contact with a child?

How do people view non payment in cases where there is considerable animosity in the parental relationship?

Where there is animosity, what do people think of paying money into something like a Child Trust Funds?

### Parents receiving benefits

Should parents be expected to pay child maintenance if they are claiming benefits?

Why/why not?

Should parents get to keep all of the child maintenance money, as well as their benefits?

Why/why not?

Should parents have to tell the benefits agency/tax credits if they are receiving child maintenance?

Why/why not?

### **How could we work out how much maintenance should be paid?**

One way to work out maintenance is to just take a proportion of one parent's income and pay it to the other parent.

What are the pros and cons of this?

Another way is to collect detailed information about both parents' incomes and their extent of contact/residence

What are the pros and cons of this?

Another way is to include more information (e.g. on housing costs, spending) or use a more discretionary approach rather than a strict formula

What are the pros and cons of this?

### **Part 6 Suggestions for change?**

Should we return to a system where the courts set child maintenance as part of a divorce settlement?

- a. What if the parents were never married?
- b. Should we treat parents differently depending on whether they were married, cohabiting or never partnered?

Should we do something else?

Thank and close

# References

Alderson-Gill & Associates Consulting Inc (2003) *Research on Compliance with Child Support Orders and Agreements in Prince Edward Island* (2003-FCY-1E) Family, Children and Youth Section; Department of Justice Canada.

Atkinson, A. and McKay, S.D. (2005a) *Child support reform: The views and experiences of CSA staff and new clients* (DWP Research Report 232) Leeds: Corporate Document Services.

Atkinson, A. & McKay, S.D. (2005b) *Investigating the compliance of Child Support Agency Clients*, (DWP Research Report 285) Leeds: Corporate Document Services.

Bradshaw, J. and Millar, J. (1991) *Lone parent families in the UK* London: HMSO (DWP Research Report no 6).

Bradshaw, J., Stimson, C., Skinner, C. and Williams, J. (1999) *Absent fathers?* London: Routledge.

Bradshaw, J. and Finch, N. (2002) *A comparison of child benefit packages in 22 countries* DWP Research Report No 174.

Burgess, A. (2005) 'Bringing fathers back in Child support in Australia' *Public Policy Research* Volume 12 Issue 1 Page 49.

FACS (2004) *Families and children study*.

Finer, M. (1974) *Report of the committee on one-parent families* London: HMSO (Cmnd 5629).

Ford, J., Kempson, E. and England, J. (1995) *Into work? The impact of housing costs and the benefit system on people's decision to work* Joseph Rowntree Foundation.

Gregg, P. and Harkness, S. (2003) *Welfare reform and lone parent employment in the UK* CMPO Working paper 03/072 Bristol.

- Gregg, P., Waldfogel, J. and Washbrook, E. (2005) *Family expenditures post-welfare reform in the UK: Are low-income families starting to catch up?* Centre for Market and Public Organisation Working Paper, Bristol.
- Moorhead, R., Sefton, M. and Douglas, G. (2004) *The advice needs of lone parents* London: One Parent Families.
- National Audit Office (2006) *Child Support Agency – implementation of the child support reforms* London: NAO (HC 1174).
- O'Connor, W. and Kelly, J. (1998) *Public attitudes to child support issues*. DWP In-house report 46.
- Parkinson, P., Cashmore, J. and Single, J. (2003) '*Adolescents' Views on the fairness of parenting and financial arrangements after separation*'. Faculty of Law University of Sydney, Australia.
- Peacey, V. & Rainford, L. (2004). *Attitudes towards child support and knowledge of the Child Support Agency*. Research report 226. The Department for Work and Pensions.
- Seltzer, J., McLanahan, S. and Hanson, T. (1998) 'Will child support enforcement increase father-child contact and parental conflict after separation' pp 157-190 in Garfinkel, I., McLanahan, S., Meyer, D. and Seltzer, J. (editors) *Fathers under fire: the revolution in child support enforcement*. New York: Russell Sage Foundation.
- Smyth, B. and Weston, R. (2005) *A Snapshot of Contemporary Attitudes to Child Support* Australian Institute for Family Studies.
- Waller, M. R. and Plotnick, R. (2000) '*A failed relationship? Low-income families and the child support enforcement system*'. In University of Wisconsin (2000) *Child support enforcement and low income families* Institute for Research on Poverty Focus Volume 21 Number 1.
- Weale, A., Bradshaw, J., Piachaud, D. and Maynard, A. (1984) *Lone mothers paid work and social security: a study of the tapered earnings disregard* London: Bedford Square Press & NCVO.
- Xanthaki, H. (2000) 'The judiciary based system of child support in Germany, France and Greece: an effective suggestion?' *Journal of Social Welfare and Family Law* 22 (3) 2000: 295-311.