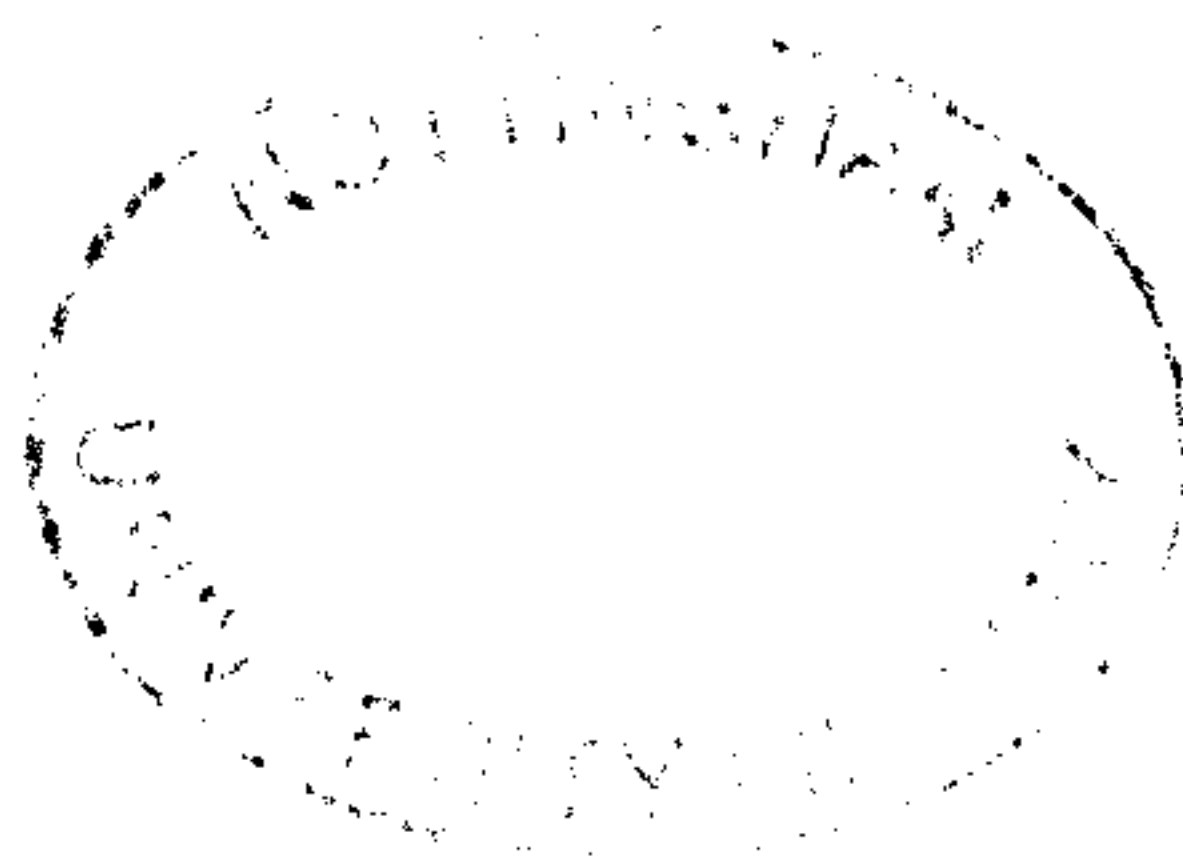


**“ANOTHER DISASTER FORETOLD?  
The Case of the Child Support Agency”**

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## **CHAPTER TWELVE**

### **Averting the disaster or muddling through?**

#### **12.1 Introduction**

This section looks at how the impact of the Agency in operation led to "fine-tuning" of the detail of the formula. Recommendations of the Social Security Select Committee are included where they relate to changes introduced by the government in February 1994 and January 1995. The changes are presented in two sections - those which mainly benefit the absent parent, and those which mainly benefit the parent with care. This is not an equal division as there have been more changes favourably affecting the absent parent. The cost to the taxpayer is considered as part of the examination of the changes.

Protest groups formed after the Agency came into operation also made recommendations for change, which are detailed in Chapter 13. The recommendations for detailed formula changes made by voluntary organisations are examined in Chapter 14.

## **12.2 For the Benefit of the Absent Parent**

### **12.2.1 Protected Income**

An important recommendation of the Select Committee, made in December 1993, was that the protected level of income for absent parents be increased, with suggestions of £20, £30 or even £40, and an acknowledgement that the Committee did not have the information needed to fully assess the impact of such an increase. The government subsequently did increase this margin of protection from £8 to £30 above Income Support levels. Changes were also introduced to increase the additional margin, whereby the absent parent kept ten per cent of the difference between the basic protected income and the family's disposable income level, to fifteen per cent (Cm2469, Feb 94, p. 4).

This meant a reduced payment for all absent parents with a low income, where the absent parent is not able to pay the full maintenance requirement. For parents with care, on the other hand, this would mean a reduction in their income unless they themselves are in receipt of Income Support, when the Benefits Agency would make up the reduction in maintenance paid. For those parents with care, this would mean less maintenance to add to any earned income and could make the transition from

benefit dependency to employment more difficult. For the government, this would lead to more payment of benefits to the parent with care. This would be partly offset if the changes meant less likelihood of absent parents on a low wage giving up work altogether. This change was clearly to keep an incentive for the absent parent to remain in work and presumably increase the willingness of the low paid to co-operate with the Agency.

In evidence given to the Select Committee prior to its October 1994 report, it became clear that some absent parents were paying a higher proportion of their net income than had been intended under the formula. The government, in the White Paper of January 1995, recommended a maximum level of payment of thirty per cent of net income in order to protect absent parents in those circumstances, with a maximum of thirty-three per cent where arrears are included in the amount. Again, this could be seen as a measure designed to encourage the co-operation of absent parents and could mean reduced maintenance payments being received by the parent with care.

[NB. The maximum amount was later raised and in 1997 stood at 40% of net income, including arrears.]



### **12.2.2 Property/Capital Settlements**

As the impact of the Agency began to be felt by MPs and their constituents, the Social Security Select Committee again examined the question of previous property settlements. In its December 1993 report, the Select Committee concluded that it would be impossible to take such settlements into account in the formula and the government's response subsequently endorsed this conclusion. This was a shift from the position taken by the Select Committee in April 1991, when considering the details of the government's proposals for the Child Support Bill. The recommendation then was:

"that provision be made in the Child Support Bill to take proper account of divorce settlements that have involved a capital settlement clearly made in lieu of child maintenance"

(HC277-I, 90-91, p. v)

It was the retrospective nature of the legislation that was of particular concern in the earlier report. Clearly by 1993 the Committee had accepted the government's argument that it is the circumstances of the parents and children now that matter in the assessment of child maintenance.

Interestingly, by January 1995, the government itself had a change of heart on this and the White Paper *Improving Child Support* laid out plans for a "broad brush" scheme to allow for some transfers of property or capital, with effect from April 1995, with further provisions under the "departures" scheme to be introduced from 1996/97 (see Cm2745, Jan 95, p. 20).

These changes were clearly introduced to appease absent parents who felt that prior settlements had been ignored but should be taken into account in the formula. In fact, few took up the offer. Ann Chant (Chief Executive of the Agency) reported to the Select Committee in October 1995 that 9,500 applications relating to property and capital settlements had been received; of these 2,650 had been processed with 2,300 disallowed. Therefore only 350 applications out of the 2,650 processed by then had been allowed (HC781-i, 94-95, p. 3).

The departures scheme was piloted between April and November 1996 and fully implemented from December 1996 (CSA 2082 p. 19).

These changes could be seen as concessions by the government, in that previous settlements were not part of the **Child Support Act** formula. In practice the restrictions applicable to the broad

brush allowances meant they were applicable to only a small proportion of cases and would not cost the government a significant amount. Nevertheless, the allowances did go against the basic principles of the **Child Support Act**, that income now was relevant for maintenance assessments, and there could never be a "clean break" settlement as far as children are concerned. It should be noted, however, that the need for some recognition of previous settlements was voiced in *Children Come First*. Although part of the White Paper, this particular aspect was not included in the **Child Support Act** eventually passed by parliament.

### **12.2.3 Travel to work costs**

In October 1994, the Social Security Select Committee recommended that travel to work costs should be included in exempt income (HC470, 93-94, p. xxiii). This was included in the January 1995 White Paper as a broad brush allowance, where high travel to work costs can be shown, to prevent a disincentive to work (Cm2745, Jan 95, p. 21). This allowance was for a flat rate (whatever mode of transport was used) for distances over 150 miles per week (as the crow flies), but would be further developed under the departures system.

As with property settlement broad brush allowances, Ann Chant reported the take-up of the travel to work allowances to the Select Committee in October 1995. Approximately 10,700 applications had been received and about 8,600 processed, of which 2,700 allowances had been awarded (HC781-i, 94-95, p.3).

These allowances were a further erosion of *Children Come First* principles. The intention was to move away from the previous court system which had allowed for other expenses to take precedence over the costs of maintaining children and move to a fixed formula. The argument was put forward that absent parents' remaining income could then be used for expenses of other kinds, with allowances only for basic living of the absent parent and other natural children, and housing costs. It could be argued that this principle was over-ridden to prevent a disincentive to work, and to appease absent parents.

#### **12.2.4 Carer Element**

A further recommendation made in December 1993 was that the carer element of the formula should reduce once the child reaches the age of 11. This had originally been suggested in *Children Come First*, but, as with allowances for previous settlements, had not been included in the **Child Support Act**.



This part of the formula had become somewhat contentious as it was often seen (mistakenly but perhaps understandably) as spousal maintenance, and there was no equivalent element for second partners.

The government accepted this recommendation and reduced the carer element of the formula by 25% when the youngest child reaches 11, and by a further 25% at the age of 14. This was said to reflect the fact that it becomes more likely that the parent with care can seek employment as the child gets older.

For all absent parents, this was a reduction in assessments as the youngest child reaches 11 and 14. For parents with care, this meant a reduced payment unless their income was so low that Income Support made up the reduction. For those parents with care in employment, this was a reduction in the amount of maintenance received. Although justified by government as representing the reducing costs of childcare as a child gets older, this reduction comes at a time when children generally get more expensive to keep, as reflected in increasing Income Support payments. Also, many parents with care would still consider their child too young (particularly at 11) to look after themselves during long school holidays or after a school day. Job opportunities for a parent with care, although better as a

child gets older, may not in reality lead to any worthwhile employment until the youngest child is over 14. This would apply particularly where the parent with care remains a lone parent and does not re-partner.

For the government this would mean higher expenditure on benefit payments for some parents with care. If parents with care take up employment, the reduction is borne by them and has no effect on government expenditure (unless Family Credit is claimed).

#### **12.2.5 Step-children**

The allowances in the formula for step-children, who appear in the protected income calculation, but not in an absent parent's exempt income, were criticised by the Select Committee Report of December 1993. The importance of step-parenting was stressed and it was recommended that an allowance, equivalent to the Income Support allowance for a child, should be included in the absent parent's exempt income, and that there should be no distinction between natural children and step-children in calculating an absent parent's housing costs.

However, the government's response stated that it was a fundamental principle of the **Child Support Act** that parents'



first responsibility is to their own natural children, and it therefore follows that step-children should remain the responsibility of their own natural parents. The government was satisfied that other changes, the extension of the phasing-in of increased payments and the substantially increased protected level of income, were sufficient to ensure adequate consideration was being given to step-families' circumstances (Cm2469, Feb 94, p. 5).

The Social Security Select Committee again recommended increasing exempt income for absent parents with step-children in their report of October 1994. By January 1995, the government had softened its position and included in the White Paper then were changes to allow reasonable housing costs in full in all cases (Cm2745, Jan 95, p. 21).

#### **12.2.6 Transitional Arrangements and Reducing Maximum Payments**

To help absent parents adjust to higher assessments, an extra period of phasing-in was recommended by the Select Committee in December 1993, for some circumstances. This was said to be beneficial for all concerned, if it meant greater general acceptance of the need for change, in spite of the loss of income this would represent for some parents with care. The

government agreed that there was some scope to extend the transitional protection offered to absent parents with second families, extending this to 18 months.

For high income absent parents there was further help in the form of reduced percentages payable from income earned over and above the maintenance requirement, where there are only one or two children involved (Cm2469, Feb 94, p. 6). The overall maximum payable under the formula remained unchanged, but reducing these percentages did represent a lessening of the commitment to ensure that all children shared in the parents' increasing prosperity.

The transitional protection scheme changes and the percentage of excess income changes did nothing at all to help lower paid absent parents, who would not fall within these arrangements. However, it should be noted that these changes would reduce the actual amount paid to parents with care where the absent parent was well-paid, and as these were the very families who were likely to have been raised above Income Support levels, the parents with care would bear the full loss themselves. Only in cases where the reduction brought the parent with care back into Income Support entitlements would this have any cost for the government.

The movement towards high earning absent parents keeping more of their income for themselves was continued in the January 1995 White Paper, when the maximum amounts payable under the formula were substantially reduced. The extent of this can be seen in the example given in the White Paper of 1995 where there are three children aged 16, 15 and 13, the maximum being reduced from £407.18 to £251.71 weekly (Cm2745, Jan 95, p. 22). This would be unlikely to cost the government a penny, as a parent with care receiving that level of maintenance is highly unlikely to be eligible for any benefits. The gain is to the absent parent, with the total loss borne by the parent with care (and the children). The possibility of going to court to seek further payments remained for very wealthy parents, but would not be subject to the formula, nor would the parent with care be able to use the collection facilities of the Agency to collect maintenance fixed through a court order.

#### **12.2.7 Arrears**

From the start of operations of the Agency, a very high proportion of absent parents build up arrears, often amounting to thousands of pounds.

In their simplest form, these arrears were the result of slow processing by the Agency. Because the maintenance assessment was applied back to the date that the MEF was first issued to the absent parent, arrears could quickly build-up.

No arrears would accumulate where an absent parent was found to have no maintenance assessment (because, for example, he was on Income Support himself and had children living with him); smaller arrears could accumulate where the absent parent was assessed as being liable to pay the minimum (eg where the absent parent was on Income Support himself, but had no children living with him).

Larger amounts accumulated where maintenance was eventually assessed at a higher level, particularly if the Agency took a number of weeks to process a claim, and if in the meantime the absent parent was not making voluntary payments which could be verified and knocked off the arrears when the assessment was finally made.

Another cause of high levels of arrears was the refusal of absent parents to co-operate with the Agency. If an absent parent deliberately and continually refused to fill in forms properly or to supply relevant evidence, eventually the Agency would apply



an Interim Maintenance Assessment (IMA). IMAs were designed to be punitive and were fixed at one and a half times the maintenance requirement of the parent with care. This could represent an even greater multiple of the final maintenance assessment. If an IMA was applied, large arrears could build up, until the absent parent co-operated and a true assessment could be made.

Within the first few months of operation, the Social Security Select Committee recommended that liability should not commence until the assessment was complete, provided the absent parent returned the completed MEF within two weeks (HC69, 93-94, p. xiv). This was to allow for delays caused by the Agency, but was rejected by the government. The government pointed out in its response that this could lead to reduced payments to the parent with care and could be subject to abuse by absent parents who stood to gain from delays in processing (Cm2469, Feb 94, p. 2).

At the start of operations, it was felt appropriate that the arrears accumulated should be subject to collection and enforcement, regardless of the cause of the arrears. However, as more and more absent parents were faced with thousands of pounds worth of arrears, it became clear that some of this debt was in

fact not likely to be recovered. For example, if an absent parent at first refused to co-operate and an IMA was issued, but it was later established that the absent parent was in fact only liable for the minimum payment because of his own lack of income, it was clearly unlikely that such an absent parent would be in a position to pay the large amount of arrears due. To have recovered the debt in some other way, possibly leading to homelessness or even imprisonment of the absent parent would have been politically and practically difficult.

The Select Committee in October 1994 again recommended that, to avoid pre-assessment arrears building up, the regulations should be changed so that liability started from the date of assessment, rather than from the date the form was sent out to the absent parent. The Committee further recommended that this should apply to those returning forms within 4 weeks and co-operating with the Agency (HC470, 93-94, p. xiii).

When an IMA was put in place, the Committee recommended a two-week breathing space, to allow the absent parent time to co-operate, co-operation being rewarded with re-calculation of the arrears at the final rate of assessment not the rate of the IMA (HC470, 93-94, p. xiii).



The government's response, in the White Paper of January 1995, was to suspend interest charges on arrears, and to limit to six months those arrears which were purely the result of Agency delays. The date at which liability started was also amended, giving absent parents eight weeks before liability commenced, providing the absent parent was seen to be co-operating with the Agency and the MEF had been returned within four weeks. Where the absent parent failed to provide the information requested, liability would commence on the date of issue of the MEF as before (Cm2745, Jan 95, p. 29).

Also contained in this White Paper were changes to allow IMAs to be applied to the self-employed. This had not been possible before where accounts were not available, and was fixed at £30 per week as a temporary arrangement as long as the absent parent was co-operating.

Two additional measures were introduced to prevent excessive hardship for absent parents with arrears. One meant that where a Deduction from Earnings Order had been applied on an Interim Maintenance Assessment, an employer would limit collection if the absent parent's income dropped below his protected level of income. This had not been possible on IMA-

related DEOs before and had led to some reluctance by the Agency to apply DEOs at the higher rate of IMAs.

The other major limit on collection of arrears was fixing a maximum of thirty per cent of net income and thirty-three per cent of net income if payment includes arrears. In practice, this restricted collection of arrears, even to the extent where thousands of pounds would theoretically take years to collect, possibly even extending beyond the absent parent's liability for his children.

There was also evidence of some better paid absent parents accepting an IMA in preference to a final assessment, which could be higher. This was tackled in the White Paper, with a Child Support Officer given the powers to apply a higher IMA based on estimated income and not including housing costs. This was seen as necessary to reinforce the punitive nature of IMAs for the well paid who refused to co-operate.

For those absent parents subject to IMAs but eventually co-operating, the government made a major concession in the January 1995 White Paper. It was decided that in such cases the liability for the whole period would revert to the full assessment rate, once the relevant details had been provided.

This effectively slashed the amount of arrears due to the Agency at a stroke.

However, it was not possible to backdate this to arrears built up before April 1995. Interestingly, the government decided that some of this debt could be dealt with in another way. During discussions with the Social Security Select Committee, it emerged that many of the IMAs issued before April 1995 were in some way defective and therefore not legally enforceable. To enable these arrears to be reduced to full assessment levels, it was stated by the Minister concerned that these IMAs would be examined very carefully, once the absent parent had decided to co-operate, and where a fault could be found, the amount of arrears would be reduced. To reduce the amount of recorded debt, the Agency would therefore seek its own errors and use these as a reason to cancel the IMAs and their accumulated debts. The Minister seemed almost disappointed that there would still remain a number of IMAs which were not found to be at fault and which therefore could not subsequently be cancelled (Cm3191, April 96, p. 2).

### **12.3 For the Benefit of the Parent with Care: A**

#### **Maintenance Disregard for Income Support and the Maintenance Credit Scheme**

For the benefit of the parent with care, the introduction of a maintenance disregard for those claiming Income Support had been discussed as the **Child Support Act** was passing through parliament. Views on this had been expressed in the House and in Select Committees. The government decided that to introduce a maintenance disregard would worsen the poverty trap in which lone parents on Income Support found themselves. Arguments in support of a maintenance disregard were that co-operation with the Agency would be encouraged for the parent with care, who would actually gain financially, and for the absent parent who would see that at least some of the maintenance paid was resulting in a cash gain for his children. Nevertheless, it was decided to introduce a benefit penalty to ensure the co-operation of parents with care, and a punitive Interim Maintenance Assessment system to ensure co-operation of absent parents.

The Social Security Select Committee deliberations prior to its December 1993 report included reference to a maintenance disregard, with Jeremy Corbyn issuing a draft report containing



a clause calling for this to be introduced. This was not accepted by the Committee.

In October 1994 the Social Security Select Committee discussed again the issue of a maintenance disregard and voted on a recommendation to introduce a small disregard. This vote was lost, 6 votes to 4, and was therefore not put as a recommendation to the government.

In the White Paper of January 1995, the government again stated its opposition to a straight-forward disregard, but did answer the criticism that those on Income Support had nothing to gain from the maintenance paid by the absent parent. A new scheme was devised whereby £5 credit would be earned each week that maintenance is paid by the absent parent, and this would be given to the parent with care as a lump sum when she leaves Income Support or Job Seekers' Allowance. This scheme required primary legislation and commenced in April 1997 (Cm2745, Jan 95, p. 25).

The Labour Party whilst in opposition continued to call for a maintenance disregard for those parents with care on Income Support and attempted to introduce amendments to the Child Support Bill to this effect during 1995. The Conservative

government remained convinced that the Back to Work Bonus was adequate.

On a similar note, the Social Security Select Committee in January 1996 recommended that the parent with care should be given regular statements of how much maintenance is being paid to the Agency. If a parent with care was on Income Support she may not know how much or how regular payment was, and this could influence decisions about seeking employment (HC50, 95-96, p. xxii). The government accepted that such information would be useful and indicated that this would form part of the computer system development being considered (Cm3191, April 96, p. 5).

The related issue of the benefit penalty continued to be debated. In its January 1996 report, the Social Security Committee recommended that in cases where violence or threatened violence was being claimed by the parent with care, this should normally lead to referral to the police (HC50,95-96, p. xxiv). This recommendation was not accepted by the government, who recognised that asking relatively junior officials to make decisions which have the possibility of increasing the risk of violence would be inappropriate (Cm3191, April 96, p. 7). This is covered again in Chapter 15.



#### **12.4 Discusssion – continuing to muddle through?**

Operationally, the work of the Agency from April 1993 to April 1996 showed a marked change of emphasis. The Chief Executive taking over in September 1994 was faced with massive problems, but gradually introduced operational changes which led to improved efficiency. The government, for its part, both helped and hindered. It continued to introduce changes to the formula, including completely new elements. But it also agreed to the simplification of some allowances (eg housing costs) and significantly reduced the Agency's anticipated workload by removing some categories of parent indefinitely. This enabled the new Chief Executive to concentrate on improving the quality of the service provided. This in turn could be said to have led to increased co-operation by parents who began to see results where previously there had been only delays.

The government also helped the change of emphasis by agreeing altered targets for the Agency. Removal of the target for benefit savings was perhaps the most significant change. This could have gone some way to answering the charge that instead of the principle "Children Come First" the reality was that the Treasury came first. Yet formula changes did not seek to benefit the child

but were designed to placate the absent parent at minimal expense to the Treasury.

Over the first three years of the Agency's operation, the majority of the changes made by the government favoured the absent parent. This was sometimes at the expense of the Treasury, but often a direct loss to the parent with care. Few changes benefited the parent with care directly, and the only one clearly aimed at the parent with care hoping to return to work in the future (the Maintenance Credit) was delayed until April 1997.

Government expenditure was further protected in that some of the adjustments made allowed only partial compensation for the loss incurred by the parent with care (for example where the parent with care on Family Credit had payments reduced during the life of a claim, only fifty per cent of the loss was compensated).

The Treasury also benefited from the number of parents with care withdrawing their claim for Income Support and thereby relinquishing the compulsion to use the Agency. Possible reasons given for withdrawing claims were given by Ann Chant as reconciliation of the couple; the parent with care securing another source of income (such as a job); parents reaching a

private settlement; fraud or abuse of the benefits system (HC781-i, 94-95, p. 10). In fact, 60,000 people withdrew claims for benefit during 94-95 within 3 or 4 weeks of the Agency becoming involved, with no maintenance assessment being made. 60,000 is a large number and served to fuel the Social Security Select Committee's growing obsession with benefit fraud. In fact the Committee went on to include combatting fraud as a suggested main objective of the Agency (HC50, 95-96, p. x).

Given this obsession with the Agency's role in combatting fraud by benefit claimants, the removal of some categories of non-benefit cases from the Agency's jurisdiction for the foreseeable future, the reducing limits of maximum payments and reducing percentage take of excess income, the Agency's role became more and more one of a poor person's agency. This confirmed earlier claims that this was the main reasoning behind placing the Agency in the Department of Social Security rather than the Inland Revenue.

#### **12.4.1 Ideology still rules OK?**

In Chapter 7 it was argued that the formula for use by the Agency was largely designed to support government ideology, particularly the desire to keep government expenditure to a

minimum, to encourage employment, and to support "family values". It could be argued that few of the changes introduced between 1993 and 1996 had major cost implications for the Treasury. Many of the changes were designed to encourage employment, either of the absent parent or the parent with care (for example, the increased amount of protected income for the absent parent and the Back to Work Bonus for the parent with care). Some were placatory but so restricted as to be inapplicable to the majority of parents (for example, the travel to work broad brush allowances).

The benefit penalty for parents with care deemed not to have "good cause" for non-cooperation was in fact reinforced, with the amount increased. Meanwhile, a maintenance disregard remained a forlorn hope of the opposition and of some voluntary organisations. The interests of the Treasury and the need to encourage employment still dominated.

On "family values" it would appear that the government had to some extent to accept the reality of second families, and housing costs were allowed in full. However, a second partner's income was still taken into account in calculation of protected income, and step-children were still considered the financial



responsibility of their natural parents, and no carer element was applied for a second family.

Property and capital settlements made to first families were again considered and some concessions made, although the effects of the departures system remain to be seen. The broad brush allowances were not taken up by large numbers, and again could be viewed as placatory and politically useful to diffuse opposition without having major cost implications.

Several other changes could also be said to be politically useful with little or no cost to government. For example, the indefinite exclusion of non-benefit parents with care with pre-1993 court orders had no cost implications for government, but removed potentially enormous opposition to the Agency. Similarly, reducing the maximum amounts payable under the formula and the percentage take of excess income had no cost implications for the government and were borne by the parent with care. These changes were undoubtedly aimed at the better-off absent parents, many of whom were being extremely vociferous in their opposition to the Agency.

It could be argued that the interests of the absent parents commanded enough power to wrest consent from a reluctant

government, but this was still kept at a minimum, with the interests of the Treasury taking priority.

Clearly the group whose interests could be passed over because they had no power continued to be lone parents and their children.

The following chapters show how these apparently competing groups mounted their campaigns in opposition to the Act and the Agency, and what alternative policies they put forward.



## **CHAPTER THIRTEEN**

### **The Protests Begin**

#### **13.1 Introduction**

This chapter describes the reality of the Child Support Agency from 1993 to 1996, from the perspective of the protest organisations which developed to fight the Act and the Agency.

13.2 describes how protest groups evolved - nationally looking at the Network Against the Child Support Agency (NACSA), and locally at All Parents Asking for Reasonable Treatment (APART) which formed in Nottingham. As set out in Chapter 4, NACSA is examined as the main “umbrella” organisation fighting the Act and the Agency, whilst the Nottingham group was selected purely for practical purposes and it is not claimed that this group is in any way representative. (However, there was nothing in the study to suggest that other groups performed differently.)

13.3 and 13.4 then look at the activities of these two groups.

For NACSA, this involves a study of the newsletters produced

for members, with description and analysis of the contents of newsletters published between September 1994 and April 1996. The evidence given by NACSA to the Social Security Select Committee in June 1994 is then examined.

A year later, NACSA had developed its ideas on alternatives to the Act and the Agency and in July 1995 produced its own “White Paper”. The details of this are explained and analysed.

13.4 then goes on to look at how the Nottingham APART group organised its activities - the meetings held, protests organised, help offered to members. These often conflicting roles of the group are described, along with examples of the stories heard at meetings. These stories are included to give a flavour of the meetings, and are intended to be illustrative only.

13.5 examines the contact established between NACSA and APART members with: the Agency, Ministers, MPs and political parties, and the media. The conclusion analyses how this contact enabled the protest groups to feed into the policy-making process.

## **13.2 Getting Together**

### **13.2.1 Network Against the Child Support Agency**

The Network Against the Child Support Agency (NACSA) was started in the late summer of 1993, by a senior manager in the health service. Having received a Maintenance Enquiry Form in August 1993, he wrote to the national press to express his unhappiness with the new regulations. He received a large number of letters as a result, and built up contacts with a network of campaign groups which were being formed throughout the country.

The organisation was described by the founder as “post-modernist”. All work was voluntary and unpaid. The organisation used political contacts it had built up, for example with MPs who supplied statistics and placed parliamentary questions suggested by NACSA.

The main organisers of NACSA relied heavily on the support of the Liberal Democrats, and particularly Liz Lynne when she was an MP. She placed parliamentary questions on behalf of NACSA and they published the answers in their newsletters. Liz Lynne also sent out NACSA information in response to enquiries about the Agency, rather than Liberal Democrat literature.

Some of those working for NACSA had worldwide contacts, mainly on the Internet, and were concerned about the plight of men generally, not just those affected by the Agency. They expressed the view that feminism had “gone too far”, and that men needed a voice. They also claimed to be concerned with broader issues, such as the democratic process and the rights of government to become involved in private family arrangements.

In publishing the newsletter, the organisers of NACSA hoped to educate with facts and figures, and to show local groups how to lobby. They held roadshows for local groups, to clarify what had been achieved since the formation of the groups, and to explain some of the more complex issues.

NACSA attempted to contact all related organisations through its newsletter, the contents of which are looked at in detail later in this chapter. It sent copies to other groups, such as the NCOPF and NACAB, as well as around 100 MPs and the media, and also published later editions in full on the Internet.

Distribution also relied on local groups photo-copying the newsletter for their own members. NACSA then received letters which it used as a form of feedback, for contact with its

members. The organisers also felt that they received feedback when giving roadshows. Although by May 1996, the mass rallies had stopped the organisers still spent time lobbying whenever possible. They still felt they had the support of local groups and that throughout the country opposition to the CSA continued.

Funding was from donations; NACSA was a private trust.

Membership figures were not collected.

### **13.2.2 All Parents Asking for Reasonable Treatment**

The Nottingham-based group, All Parents Asking for Reasonable Treatment (APART), was formed in December 1993, initially under the title *Absent* Parents Asking for Reasonable Treatment. A Nottingham man was so devastated by the arrival of a demand from the Agency that he wrote to the local paper with the idea of starting a local protest group. There seemed little help available - neither the Citizens' Advice Bureau nor a solicitor could offer what this absent parent considered to be useful advice, so he embarked on the formation of a group to offer mutual support as well as to organise a joint protest to the new legislation.

With others who contacted him following the newspaper article, the founder of the Nottingham group attended other groups



which had already formed in Lincoln and Grantham. These early members then organised the first meeting of the Nottingham group in January 1994, in a private room of a public house. This meeting was very well attended and further meetings were arranged, on a fortnightly basis. Speakers were organised, including MPs. At one meeting with a local MP there were 250 people in attendance, although average attendance was about 80.

As well as seeking to influence local MPs, the group organised protests outside local CSA offices and attended national protest rallies in London. In order to gain publicity the local group also raised money for charities. Activities within the group are covered in more detail later in this chapter.

Funding was by collections at each meeting, which went mainly towards the hire of the room, printing and postage. All work was voluntary and unpaid. The Committee was elected by the members attending the meeting.

Despite early success and increasing membership, by May 1996 there were as few as four people attending meetings, which were no longer in a private room but were conducted in a corner of

the public bar and became monthly. By 1997, meetings had completely ceased.

### **13.3 Working together - Nationally**

#### **13.3.1 Going to Press**

NACSA produced a newsletter approximately every two months, published on paper and on the Internet. Copies were distributed widely and those receiving it were encouraged to copy it for others. In the days when local groups were active throughout the country, this freedom to duplicate meant that thousands of copies were being distributed nationwide.

The newsletters contained contributions from many sources; the following pages outline some of the contents seen during the period September 1994 - April 1996. At the time of writing the newsletter was still being published. Examples are attached as Appendix 2.

#### **STYLE OF WRITING**

Early editions contained many derogatory references to civil servants, MPs and others. These were often very personal, for example, following the resignation of Ros Hepplewhite, the front cover of the September/October 1994 edition read:

## **“GOTCHA!**

“Rumours of the loathed Chief Executive’s impending nervous breakdown have been circulating widely for some weeks now - in fact, NACSA NEWS was among the first to highlight the increasingly odd and erratic behaviour of Hepplewhite.

“Finally, on September 2nd, the news broke - the woman with the worst perm in Britain was about to spend much more time with her family.

“Although the DSS’s press statement was at pains to misrepresent the departure of the beleaguered Furher-ette as a timely retreat in triumph after setting up the Agency, the word in Whitehall is that she has been asked to leave in view of her increasing instability and her obvious incompetence.”

The article continued with personal insults such as:

“Her odd-sized eyes wander(ed) all the time ...”

and moved on to express satisfaction that its readership may have had some influence on Ms Hepplewhite’s decision to resign:

“We understand from utterly reliable sources that one factor in poor Ros’s decision to become unemployable (*surely unemployed? Ed*) was the constant criticism and vilification heaped upon her by what she described as ‘a sinister conspiracy’ of campaign activists. So well done, all of you!”

Later in the same issue, the personal attack continued, in spite of the resignation:

“... our latest information is that Ros and her tight-lipped husband Jools are still living in siege conditions in their Sussex bunker. If you feel like writing (or visiting: Lindfield is about one mile northeast of Haywards Heath on the B2028 road) to express your profound sympathy for the poor, mad creature, the address is ...”

The article then gave the full address of the former Chief Executive's home, and suggested “Don't forget ... don't forgive”.

Another article in the same edition (September/ October 1994) advised that group leaders should ask members to write a letter to the new Chief Executive, and went on to say that “NACSA NEWS will welcome confirmation of Chant's home address”.

Other people were similarly subjected to the insults of the contributors to the newsletter. The National Council for One Parent Families, and particularly Sue Slipman when she was its director, were considered fair game, being described as “the Tory's leading stooge”. A later edition covered the fact that Sue Slipman had resigned with:

“Sue Slipman, staunch ally and defender of the CSA, has resigned as autocratic boss of the NCOPF. NCOPF, an organisation purporting to represent the views of single mothers, has been a frontline supporter of the child support tax.

“Slipman, 44, formerly a close friend of poor mad Hepplewhite, recently suffered a humiliating defeat in the



High Court when judges overturned a ruling in her favour by the Broadcasting Complaints Commission ...

“Formerly a communist student leader, Slipman emasculated the NCOPF and betrayed her own political stance to secure government funding of the organisation which became little more than a mouthpiece for the DSS under her. Given the talent for self-publicity which has resulted in a welter of pro-CSA Slippery Sue sound bites, her departure must be welcomed by anti-CSA campaigners. Slipman is to get a plum Tory quango post.”

In the January/February 1995 edition, Sue Slipman was described as “the Tory Party’s Lady Haw Haw” with the comment that:

“The NCOPF is sponsored by this government to the tune of some £1 million annually and hence can hardly be considered a body whose Chair-person is qualified to comment impartially on behalf of single mothers; indeed, as a confidante of mad Ros Hepplewhite, there could hardly be a more biased individual.”

Ministers and MPs were continually subjected to the insults of the contributors, examples being:

“Peter ‘Mr Aryan’ Lilley”

“Despite the fact that he looks like the Aryans who hijacked Germany in the 1930s, Lilley ...”

“Durbrain Dewar”

“Alistair ‘rocket scientist’ Blurt”

although there were also more serious references to politicians.



Tunstall (1996) identifies similar trends with regard to stories and use of headlines in tabloid journalism (for example pp 200-201).

## EVENTS / PROTESTS

The newsletters gave details of forthcoming lobbies and protests, fund-raising events, publicity stunts and other activities of its readership. Details were also given of a Hotline telephone number, where those organising events could publicise the fact, and could also check that their protest did not clash with others. Those thinking of attending a protest could telephone to check that the event was still being held and obtain any further details.

The newsletters also published reports of events when they had taken place, and transcripts of radio programmes and television interviews.

Events included such things as a women's conference, a rally in Birmingham, a "Guy Fawkes march", a "sleep-in" outside the Agency's head office, regional television and radio coverage, petitions, involvement at political party conferences.

As well as details of straight-forward lobbying etc, the newsletters contained various reports of activities which could be classed as rather more controversial. For example, the May/June 1995 edition reported on a group from Manchester who went to Alistair Burt's home:

“Approximately 30 campaigners tagged along to say “Hi” to Alistair but for some reason he wasn't very pleased. They had got as far as planting 15 white crosses in his garden while singing and ‘chant’ing anti-CSA songs when the police arrived. Mr Burt was apparently particularly upset when one of the protesters went up to his kitchen window with a banner..”

The same edition reported how a group of NACSA supporters had attempted to protest at the house of Ann Chant but had been turned back by the police.

Other suggestions for protesting *en masse* involved letter writing using a variety of methods to clog up the workings of the Agency. Examples include:

- the suggestion that all readers sent a Christmas card to Ann Chant on the same day;
- the suggestion that all readers apply for their details available under the Data Protection Act, and continue to

re-apply for their details every 40 days;

- letters claiming to have changed address every month (by a system of address-swapping amongst members of the local protest group);
- writing under a fictitious name asking why a reply had not yet been received to your previous letter;
- asking for a personal interview at a DSS office every time there is a query from the Agency and insisting that your file is sent through.

More serious letters to MPs were endlessly stressed, as were continuing correspondence with Ministers and the Agency itself. Various letters were published which could be copied and used by readers. Such letters of protest were seen as vital to continue to draw attention to the fact that the Agency was failing and should be abolished, and later to emphasise the fact that the protestors had not gone away.

## PARLIAMENTARY QUESTIONS AND ACTIVITIES

Later editions of the newsletter contained details of parliamentary questions on the Agency, usually asked by Liz

Lynne of the Liberal Democrats. Replies to these questions were often very detailed and included such things as:

- financial reports of the CSA
- the backlog of cases
- the number of complaints received by the Agency
- the number of Deductions from Earnings Orders applied
- the number of parents with care applying for exemption
- the calculation of benefits savings
- the basis of comparisons with the liable relatives units.

The support of the Liberal Democrats in gathering such information was acknowledged, as was the claim that the Liberal Democrats were seeking abolition of the Agency. The position of the other political parties was reviewed periodically.

NACSA began to compile a list of MPs who it felt supported abolition of the Act and the Agency, and categorised MPs as one of the following: “fruit cake”, “reformer”, “tinkerer”, “abolitionist”, “would-be abolitionist”, or “ostrich”. Newsletters also reported on votes taken in the House and whether MPs had in fact voted in the way they said they would when it came to issues relating to the Agency.

The reports produced by the Social Security Select Committee and the Parliamentary Commission for Administration were examined in the newsletters, with comments on the recommendations and on evidence given by witnesses.

[Representatives of NACSA gave evidence to the Social Security Select Committee on 22nd June 1994 but it is clear that their ideas for improvement to the system were in the early stages of development. This is covered in more detail later in this chapter.]

There was a report of a meeting of NACSA representatives with Andrew Mitchell held on 1st November 1995, when the NACSA “White Paper” was discussed. (Details of this “White Paper” are given below.)

Also reported was a meeting between NACSA representatives and Chris Smith and Malcolm Wicks of the Labour Party. Those attending reported that they had been well-received and were hopeful that the Labour Party were actively considering alternatives to the Agency.

## REPORTS ON RESEARCH

Research relating to child support was covered in various editions. For example, studies carried out for the DSS and for



the Joseph Rowntree Foundation were reported on. The March/April 1996 edition carried a transcript of a paper given by Professor Jonathan Bradshaw of the University of York to MPs which also refers to various pieces of research. This was a more serious aspect of the newsletters and tended to be reported without the name-calling and personal insults associated with some other pieces.

## INTERNATIONAL COMPARISONS

Editions of the newsletter compared the UK system with those in Australia, New Zealand and various states in America. Comparisons were made between the formulas applied and the amount of success achieved. There were also reports of campaigning activities and protest groups in other countries, with a mutual exchange of information between groups. This information was used when looking at evidence given to the Social Security Select Committee and at their reports. It was also used to illustrate the difficulties which could arise with various aspects of formulae and with different methods of enforcement.

## ADVICE - REAL AND MALICIOUS

The quality of the advice offered in the newsletters varied. Some advice was genuine and important, some was frivolous and

mischievous, even verging on the unlawful. That advice which could not possibly be of any use to the absent parent himself but which was designed with the sole purpose of disrupting the administration of the Agency has been discussed under the heading of PROTESTS.

Amongst the “real” advice were details of court cases, with information on specific points of law, procedures involved, access to Legal Aid, Tribunals, use of the Ombudsman, where to get help, etc. There was also serious advice on Deductions from Earnings Orders and the involvement of employers. Other articles covered the difficulties which may be experienced in attempting to get a mortgage if you had a high maintenance assessment, with names of “friendly” lenders.

The newsletters did occasionally contain advice for parents with care. Examples included an examination of the MAF where it asked for the parent with care’s consent to pursue the absent parent, pointing out the ambiguous wording used and how to avoid giving consent if that was your choice; and an article by a solicitor who had successfully represented a number of parents with care in their claim for “good cause” exemption.

Advice which might be classed as more doubtful included:

- how to avoid the involvement of the Agency altogether by “colluding” with the parent with care;
- claiming reconciliation between the parents to stop involvement of the Agency in an assessment, then “splitting up” again, but subsequently persuading the parent with care to refuse the Agency permission to pursue the absent parent.

Some of the “advice” was given as a warning that NACSA does not approve of such activities, for example this last activity was written as:

“NACSA Nanny has wagged her wrinkled little digit before at those who play too many tiresome tricks on those bright and bubbly folk in CSA centres and, sorry to say, yet another little prank has come to my notice. One that just isn’t funny. Of course it’s easy enough for new customer mums to turn a blind eye to CSA forms, at least now they know the agency folk were only joking when they said they’d take away all their benefits money. But mums who didn’t get the joke and DID sign the form are understandably peeved they can’t play the same game.

“Now news reaches me that they’ve gone and invented their own version and it’s called ‘reconciliation’. And guess what those naughty old mumsies are doing! Yes, they’re telling their cheery chums at the CSA that they’ve got back together with their ex partners and don’t need to play with them any more. The two of them send a joint letter to the CSA informing of the wonderful news, then as soon as the Agency writes back to confirm the case is

closed they find, gosh, the reconciliation didn't work after all and mumsie goes back onto benefits. Our perky playmates at the CSA of course send the parent with care a shiny new MAF but, guess what, those naughty mums refuse to even look at it!"

It was not illegal to refuse to co-operate, but a parent with care could lose part of her benefit if she could not show "good cause" for exemption. Thus, advice such as this was in itself not illegal. The implication was that the absent parent would make up the lost benefit, rather than face a full assessment.

However, it would be illegal for a parent with care to seek benefit and to fail to declare maintenance being received from the absent parent, even if on an informal basis. The parent with care would then be open to prosecution, although the absent parent would not. Nor would the absent parent be obliged to pay any maintenance as such an agreement could not be enforced.

The 'advice' also fails to point out that this would involve the parent with care ceasing to claim social security benefits and then re-applying. This procedure would have implications for the parent with care who could face a loss of benefit as a new claimant.



### **13.3.2      Thinking it through**

Over a period of time, NACSA developed ideas for improvements to the formula and the running of the Agency, but mainly NACSA concentrated on replacing the Agency with a new system. Newsletters did contain a great deal of detail about the current system and formula, and criticisms of particular aspects, for example pensions and travel to work costs not being taken fully into account.

Within NACSA it is impossible to say where ideas for policy came from, but contributions have tended to emanate from two or three main activists within the group. As stated earlier, feedback was obtained from local groups, but the loose structure of the organisation and anonymous nature of the newsletter mean it is impossible to attribute any policy ideas to one particular source. Policy has therefore been decided on an ad-hoc basis, developing over time and as situations arise. Early work published by NACSA was (perhaps understandably) rather confused and at times contradictory.



## EVIDENCE TO THE SOCIAL SECURITY SELECT COMMITTEE

(June 1994) (HC 470-ii, 93-94)

### Written Evidence

Campaign groups opposed to the Agency gave evidence together on 22nd June 1994. NACSA submitted written evidence calling for:

- removal of the additional element paid by better-off absent parents;
- equal inclusion (or not) of new partners' income; also equal treatment of partners in relation to the carer's allowance;
- removal of fees;
- inclusion of basic pay only, not overtime or bonuses;
- inclusion of all reasonable housing costs;
- consideration for clean break agreements;
- removal of all DEOs, IMAs and the threat of jail for non-payment;

- removal of debts, with assessments due only from the date of notification;
- concentration of efforts on securing payment from never/non-payers, not chasing those who were already paying something;
- a 100% disregard arguing that if maintenance is truly intended for children, then all of it should be disregarded in calculating benefit for the parent with care;
- allowance in full for pension contributions, travel to work costs and access costs;
- the upholding of court agreements.

These recommendations had clearly not been thought out thoroughly, but could be seen as something of a “knee-jerk” reaction. Given the Agency’s take-on strategy, those receiving assessments were more likely to be those who were already paying something, who would often find the amounts demanded by the Agency to be much more than their previous arrangements. It is therefore understandable that NACSA called for reduced assessments for the better-paid, those with clean-

break agreements and existing court orders, although this contradicted other claims made by NACSA that “fat cats” were allowed to escape the clutches of the Agency because their ex-partners were not on benefit and could often not use the services of the Agency.

The argument for a 100% disregard was particularly confused. Although stressing the need for children to gain, rather than the Treasury, the result would have been a significant increase in income for the parent with care household. This contradicts other NACSA claims that the Agency would encourage women to instigate the break-up of a relationship. A 100% disregard could certainly represent a significant financial advantage for a lone parent compared with a two-parent household. The NACSA suggestion would in fact mean that a lone parent household would be assessed differently, as individuals, contrary to the rest of the benefits system. Clearly, this was an under-developed idea.

Obviously, most of these recommendations would have resulted in a reduction in assessments, particularly for better-off absent parents. Other than in the case of the ill-thought out disregard suggestion, children would have gained little, and often the parent with care would be worse off.

The preferred option put forward by NACSA in June 1994 was a simple, low-level alternative to the formula, with the Agency used for enforcement and perhaps extending its activities into access arrangements. However, these early ideas were completely over-turned as policy developed over time.

### Oral Evidence

Oral evidence given in June 1994 was at times rather hostile, with MPs on the Committee drawing attention to some of the activities of NACSA members and the contents of NACSA newsletters. The founder of NACSA defended himself by pointing out the loose structure of the organisation and disassociating himself from illegal or dubious activities, although confirming his sympathies with the anger and frustration felt by some absent parents.

Other points answered by NACSA representatives covered the ineffective administration of the Agency, and difficulties of communication between the Child Support Agency and the Benefits Agency, as well as the level of assessments. Although clearly not thought through completely, the founder of NACSA called for a formula based on simple percentages (not specified) with an appeals procedure for exceptional circumstances and



more consideration given to shared care and access arrangements.

Those giving evidence were somewhat discredited at times, but nevertheless several of the recommendations of the Select Committee did in fact meet the demands of the protest groups, and certainly did reduce the amount of assessments for many.

“CHILD SUPPORT: THE WAY AHEAD” - produced by NACSA in July 1995

As time went on, the organisers of NACSA obviously became more knowledgeable about the issues involved and developed policy. In July 1995 NACSA produced its own “White Paper” called “Child Support: the way ahead”. This paper described the system preferred by NACSA and given below are the main points. Later editions of the newsletter contained details of this paper and responses to it from Ministers, MPs and absent parents.

### Arranging Child Support

Where the state has no financial interest (ie the parent with care is not receiving benefit) the report recommended that voluntary agreement between the two parents should be encouraged, with facilities to make such an agreement legally binding, and with



access to a collection service. If necessary, a mediator could be used to help reach a voluntary agreement, but if that failed then the case could be taken before a court for final judgement. It was suggested that judgements made by the court should take into account “reasonable guidelines”, but remain flexible.

Where the state had a financial interest, NACSA recommended that the non-resident parent should normally be expected to meet a minimum payment level that equated to the benefit rate for the child(ren) plus the Family Premium. If payment was already being made to this level, or above, then the state should not become involved. Where the state’s financial interests were covered, the case should be treated as if the state had no financial interest.

If the non-resident parent could not make the minimum payment, some other arrangement could be negotiated, along the lines of the protected income calculations currently used by the Agency.

#### Components of the new system

It was suggested that it should be made possible to enforce voluntarily agreed maintenance payments, through normal civil channels.

Mediators would be used to help ex-partners to arrive at proper maintenance agreements without the need for a full court appearance. The Mediation Service would also work along side the courts where interim arrangements were necessary.

Under the system suggested, family courts would deal with disputes and all aspects of family affairs. Whilst working to guidelines for child support awards, family courts would take all relevant circumstances into account and judge each case on its merits.

Guidelines would relate to the cost of bringing up a child for a range of different family circumstances and budgets, for use by parents themselves, mediators and courts. "The Cost of a Child" published by the CPAG and the Family Budget Unit was given as an example of a document that could be taken into consideration in drawing up the guidelines.

The report then went on to briefly outline the possible financial implications of the recommended system, the likely workload on courts etc, claiming significant savings over the costs of running the Agency.

The document closed with:

“This document presents a fair and equitable system of child maintenance which would receive wide support from the British public. Its implementation would result in a quick and dramatic improvement in compliance rates, thus providing more maintenance for more children more regularly.

“*Child Support: the way ahead* provides a significantly improved system of child support in the United Kingdom. It is based not on speculation but on solid, factual evidence and in particular the activities of the highly successful Liable Relatives Unit which operated until March 1993. We commend it to the men, women and children of Great Britain.”

#### Criticisms of the NACSA “White Paper”

This document was promoted as a workable alternative to the Agency, but in fact can be criticised in a number of respects.

Firstly, the report assumed that the Liable Relatives Units were in fact successful. They were certainly more flexible, in that those cases considered unlikely to yield any maintenance could be dropped at the discretion of the Officer; they were however not successful in obtaining realistic amounts of maintenance from a majority of absent parents.

Secondly, the paper recommended that enforcement be put in the hands of the courts. Whilst it was recommended that family



courts fix assessments where necessary, it was the civil courts who would deal with enforcement. Yet the document presented no evidence to suggest that this would be an efficient means of enforcement. The presumption throughout was that maintenance levels would be seen to be fair and reasonable and therefore absent parents would in fact pay the assessments willingly. This may not be the case, yet parents with care would be responsible for pursuing non-payers through civil courts. Where voluntary agreements had been fixed at the level of benefit or above, the state's involvement would cease. Those looking at the interests of the parents with care may see this as unsatisfactory, and certainly children would not be guaranteed a share in the increasing prosperity of the absent parent.

Thirdly, the report spoke of "guidelines" for use by parents, mediators and family courts. It recommended that the actual costs of bringing up children were considered and gave as an example a document produced by the CPAG and the Family Budget Unit. This was a positive recommendation in that it moved away from benefit level assessments only. However, the document also recommended that there should be no state involvement when basic benefit levels of the child(ren) plus the Family Premium were covered (and not including personal allowance for the parent with care). These two calculations - on

the one hand looking at the actual costs of bringing up a child, and on the other looking at basic benefit levels, would be likely to give very different results. There was no attempt made in the report to put any figures to the amount of maintenance which might be seen as reasonable. Nor was there any attempt to relate this to the incomes of either parent.

It could be argued that the problems seen in the formula used by the Agency could be repeated in the guidelines applied by the mediators and courts. If every aspect of each parent's circumstances is taken into account, what is to prevent a return to the old court system whereby absent parents could present evidence to the courts resulting in a nominal assessment only? The possibility of such abuse, and the difficulties of defining "essential" expenditure are not addressed.

It could also be disputed that using voluntary agreements and mediators always results in an equitable assessment. Such arrangements could work against the best interests of one parent if the other parent successfully dominates proceedings and if there is no automatic right to representation or support, or the costs of such support are prohibitive. The absent parent could also slow down proceedings, holding up assessments, with recourse for the parent with care being through the civil



courts for enforcement or through the family courts for assessment.

In conclusion, the paper produced by NACSA was too simplistic and did not offer a valid alternative to the **Child Support Act** or the Child Support Agency. It did not give proper consideration to the needs of children or parents with care, nor did it adequately consider related issues such as the payment of benefits or the incentive to work of both parents. Although aware of the shortcomings of the formula used by the Agency, the paper did not attempt to give details of a more appropriate formula but talked vaguely of “reasonable guidelines”.

### **13.4 Working together - Locally**

#### **13.4.1 The Purpose of the Group - Conflicting Roles**

The APART group was set up with three main aims:

- to facilitate the sharing of advice, information and support, on a self-help basis;
- to facilitate organised protest against the new system, by highlighting its failings, seeking publicity and increasing awareness throughout the population;

- to consider and promote amendments and alternatives to the Act and Agency.

It was found that these aims sometimes conflicted and it was difficult for members of the group, most of whom had no experience at all of organising such things, to give equal attention to all aspects.

The willingness of members of APART to debate possible improvements to the child support scheme or its amendments was difficult to harness. Some Committee members were particularly concerned that in its meetings with Ministers and MPs, the group should put forward positive suggestions for improvements, or if the Agency was to be abolished, suggestions for an alternative system. Increasingly, Committee members were frustrated in their attempts to think through these ideas, and found it difficult to manage meetings in order to facilitate such a debate.

Other members of the Committee felt that the main role of the group was to offer advice and support, and that time should not be spent on debating alternative schemes. This led to some conflicts between members of the Committee, resulting ultimately in resignations. Indeed, one of the founders of the

group continued to see a Minister about Agency issues after he ceased to be a Committee member (and in fact ceased to be a liable parent), but as an interested individual constituent argued for improvements to the scheme.

A long-standing Committee member became increasingly disillusioned with the group. Some people attending meetings were clearly not interested in supporting their children at all, and it became difficult for this Committee member to give advice to these people, where he thought it was not morally right to go to such lengths to avoid paying or taking responsibility. He eventually resigned as he felt that the attitude of the people attending had changed over time. He felt that whereas initially the members had been mainly responsible, paying absent parents who were genuinely concerned about the welfare of their children, it seemed that increasingly those attending were non-payers and those who were doing everything possible to avoid paying. (This could reflect the take-on strategy of the Agency which started with those already paying and moved later to chasing non-payers.)

During 1995 a new Committee was appointed and offered the view that long discussions about politics or broader issues put some members off attending the meetings. They argued that

members were more interested in discussing individual cases and sharing experiences. However, they were concerned that once people felt they had got as much information as they personally needed, or as much as was available at the group, they stopped coming to meetings, and indeed numbers were beginning to drop significantly. The Committee sent out a questionnaire to members in the hope of finding out what was required and tailoring meetings accordingly, however numbers continued to drop until eventually the group folded altogether.

As part of the push to provide a self-help advice and information service, as well as personal support for members, the Committee set up a women's group. This was for parents with care and second partners as well as female absent parents. The idea behind the group was to provide mutual support to those suffering from the pressures created by the Agency and the new arrangements. However, the group ran into difficulties - firstly, there were few women attending the meetings; secondly, some of those that did attend knew each other, as neighbours when they were unwilling to discuss personal matters, and more controversially as new / ex partners of the same man. This sub-group quickly folded as the women, perhaps understandably, did not find this environment conducive to mutual support.



#### **13.4.2 Meetings**

On a self-help basis, meetings were used to discuss cases and swap information. Those attending generally claimed to agree that absent parents should contribute towards support for their children, and most claimed to already be paying something, although the Committee acknowledged that statistically this was probably unlikely, and that the amounts involved may have been very small. A minority of those attending expressed the firm belief that they owed no responsibility towards their children, financial or otherwise.

#### **13.4.3 Advice**

Members were encouraged to write to ministers, their own MP, to newspapers, and to the Agency itself, as part of organised campaigns. Individual members experiencing difficulties were advised to seek help from their own MP and they were told how to find out who this was and where to write. Members were also told how to arrange to see their MP at a surgery to discuss their own case, and were encouraged to do this as part of the campaign to raise general awareness about the Agency, attending as many surgeries as possible, even if there was little new to report or seek help with. Locally, MPs' surgeries were indeed inundated with APART members, many of whom had



previously been unaware of who their MP was, never mind how to contact him.

Members of the Committee also offered telephone advice and support to anyone wishing to speak to them, often involving many hours of work beyond that spent attending meetings. It was acknowledged, however, that advice given was purely self-taught and may at times have been inaccurate. The Committee admit, for example, that early advice given to absent parents was to delay the Agency as much as possible, by not completing forms or not supplying information required. In fact this led to Interim Assessments being applied, thus worsening the absent parent's position by increasing the amount demanded and building up large arrears. By 1996 it had been conceded by some members of the Committee that this early advice had not been in the best interests of the absent parents, although it had undoubtedly increased their motivation to protest and had provided the media with material on which to base shock headlines.

In fact, some absent parents were still being advised to be as obstructive as possible in all dealings with the Agency, as late as August 1995. The nature of the APART meetings meant that anyone, either on the Committee or on the floor, could offer

advice. The researcher witnessed several examples of advice being given which was neither correct nor in the best interests of the recipient. Similarly, opinions were expressed which were based on incorrect beliefs or information. An example of this was the strongly held opinion of several members that those belonging to ethnic minorities were not being pursued by the Agency at all.

Other more constructive advice being given included when and how to seek referral to the Ombudsman, what free legal services are available, and how to ensure payments made to the Agency or directly to a parent with care are recorded. Advice varied from meeting to meeting and depended entirely on how the discussion developed and who was in attendance.

#### **13.4.4      Sharing Their Stories**

Those attending the meetings were generally eager to share their stories, to gain the sympathy of the others present and to seek advice. The Committee actively encouraged this, often asking those attending for the first time to share their story with the whole meeting. Below is a selection of the stories heard, to illustrate the typical discussion which went on in the “business” part of the meeting.

## **Rejected Dad**

One young man was very upset by the fact that the Agency had made contact with him. He had fathered a child who was now 18 months old, but his former girlfriend had previously denied that he was the father and not allowed him any access to the child. He was now being named by her as the father and was being pursued by the Agency. He told the meeting that he was concerned that it would now be difficult to establish a relationship with the child, and yet he would have to pay. The group sympathised and several members told how their children had been “poisoned” by their ex-partner or grandparents, making access arrangements difficult and relationships strained.

This discussion strayed way beyond the Agency and its operations and became a general debate about how women and grandparents can restrict a father’s relationship with his children. This developed into a discussion about the inadequacy of the courts to deal with access issues, culminating in the apparently shared opinion that “women get the lot”.

### **Angry Grandparents**

Grandparents often attended the meetings. One couple were particularly bitter that the ex-partner of their son was “demanding” maintenance through the Agency, so she could go to university (where she was said to be receiving a more-than-adequate grant) and she was able meanwhile to “have a string of men and three holidays in Portugal”. The ex-partner was portrayed as a scheming and exploitative person, whilst their son was a hardworking and decent man; no mention was made of the child/children of the relationship, but the whole tale concerned the ex-partners and their behaviour since splitting up.

### **The absent parent who shared care**

One member had attended from the start of the group and had been actively involved in all its activities. He continued to attend, although he had been successful in his own battles with the Agency. He told his tale as a lesson to others.

“John” felt himself to be the injured party, as his relationship with his ex-wife had broken down following her adultery. He had maintained a good relationship with his small daughter, living nearby and seeing her at least three days every week.

When contacted by the Agency, John was particularly annoyed



because he had always voluntarily paid as much as he possibly could to his ex-wife for his daughter's maintenance. This was in spite of the fact that his ex-wife had now re-partnered. He did not class himself as an "absent parent" and felt that the Agency should have been concentrating on those who paid nothing and took no interest in their children's welfare. After a long battle, John managed to get his case dropped by the Agency, though how or why was not made clear.

### **The Lonely Deserted Dad**

This man was very sad. He told his story to the whole group (on this occasion about 50 men, four women) who all listened intently and sympathetically. He had been devastated by the fact that his girlfriend had decided to leave him, stressing that they "had never even argued". He was very upset to hear what the others were saying, that access to his child could be restricted by her and that he may be able to do little about it. It seemed that he was not specifically worried about the actions of the Agency, but wanted to share his heartbreak with others. He was offered sympathy, but was also warned to expect the worst, to expect his girlfriend to be hostile and awkward and stop him seeing his child. Again, the discussion moved away from the Agency and on to the more emotive issues around relationship breakdown.



## **The Unnecessarily Worried**

One couple attended because they had just received a Maintenance Enquiry Form from the Agency and were concerned, having read so much about cases in the newspapers, that they would get a high assessment. They explained how they were considering putting the house in the woman's name only, how they thought a complicated rental arrangement might be used to increase the absent parent's housing costs. Some in the audience thought this might be worth a try.

In fact, it transpired that the couple had voluntarily paid maintenance to the parent with care all along, amounting to about half of the absent parent's net income. This meant it was unlikely that they would have a high assessment, but were likely to have their payments reduced. They were greatly relieved and couldn't understand how the media could mislead them into worrying so much. They did not appreciate the significance of Interim Maintenance Assessments, protected income or maximum percentages of net income, and no-one attempted to explain these to them. But with the reassurance that they would not pay more than 33% of the absent parent's net income (given eventually and privately by a member of the

group who *did* appear to have a grasp of the formula), they concluded that their elaborate plan to deceive the Agency over housing costs was unnecessary.

Although this was an apparently successful outcome, it was also noted that a member of the Committee expressed the opinion that the absent parent's ex-wife "must have instigated the Agency's involvement". In reality this seemed unlikely, as it appeared that a claim for benefit by the parent with care had triggered the Agency's involvement. This, of course, would not be at the request of the parent with care, but as a benefit claimant she would be compelled to co-operate with the Agency unless she could show "good cause". This was not mentioned by anyone at the meeting, and there was general agreement when a member of the Committee expressed his opinion that this was clearly "another vicious woman using the Agency as a weapon".

### **The Reluctant Father**

At another meeting, a new attender was asked to give his story to the group. He appeared to relish the opportunity to give details of the short relationship which had resulted in the birth of a baby.

“Peter” explained how he had gone out with “a girl” for four weeks altogether. He claimed she didn’t want the relationship to finish, but he did. It later transpired that she was pregnant and Peter told her unequivocally that he wanted nothing to do with it. She chose to continue with the pregnancy and now “it” had been born. Peter had seen “it” and offered “the girl” some money, but now the Agency had been in touch. He stated his belief that “Basically, for four weeks of my life, I’m now messed up”.

The Committee sympathised with Peter’s plight, stating that this again showed how the law protects women and men can do nothing about it.

### **The Fraudulent Claimants**

One couple were quite open in their explanation of how they were claiming benefits to which they were not entitled. She was heavily pregnant and although they lived together, she was claiming benefit as a single person. Once the baby was born they knew that if she continued to claim as a single person, the Agency would become involved. This would lead to her benefit being reduced and/or the father being forced to contribute. Rather than being honest about the fact that they lived together, this couple were intending to register the birth in the mother’s

name only, with the mother subsequently claiming to the Agency that she did not know the identity of the father. The couple were quite proud of their plan and felt their actions totally justified if it meant avoiding the involvement of the Agency.

[The details of this couple's plan and the acceptance of it by most of the group in fact led to the resignation of one of the Committee members who felt that this was not appropriate behaviour and if this was considered reasonable by the group, then he wanted nothing more to do with it. However, he did not voice his objection at the meeting but afterwards privately to the Committee in tendering his resignation.]

#### **13.4.5 Guest Speakers**

The Committee made great efforts to get outside speakers to attend the meetings. It was successful in recruiting local MPs, prospective parliamentary candidates and solicitors. The meeting was usually arranged so that the speaker could address those present, followed by questions, and later, after an interval, the usual business of the group would be discussed.

The level of debate at meetings varied. The audience tended to want to discuss individual problems or examples, whereas



speakers tended to address broader issues. Even where speakers were knowledgeable on related issues such as benefit levels and divorce law, they were often unable to reply to very detailed points raised by individuals. Conversely, members of the group often only had knowledge of their own case or what others at the meetings had told them, and appeared not to have considered issues beyond this.

It was also the case that speakers were sometimes ill-prepared. For example, one prospective parliamentary candidate had no knowledge of his party's official line on the Agency and little understanding of specific points raised from the floor. His attendance was clearly not aimed at raising the level of debate or clarifying his party's ideas, but presumably at raising his own profile locally.

#### **13.4.6 Lobbying / Protesting**

Initially the group had a fairly high profile locally. There were references to the group and its members in the local press almost daily, as well as contributions to local radio. Some members gave a large amount of personal information to the press to highlight the problems caused by the Agency.

The fortnightly meetings were used to seek ideas for protests and publicity, with all those attending encouraged to take part. Events organised included protests outside local Agency offices, and outside local MPs offices, mass attendance at MPs surgeries, awareness days in the city centre giving out leaflets and collecting signatures for petitions. Letter writing campaigns were instigated, with letters to MPs collected together at meetings in an attempt to encourage each member attending to write to their MP at least once and preferably several times. Letters of protest were also written to the Prime Minister, the Leader of the Opposition and to Ministers and Shadow Ministers.

Nottingham APART members took part in national protests, lobbying of parliament, and events organised by other groups. An example of this was when several members of the Nottingham group attended a protest being organised in Doncaster at a race meeting, when a pantomime horse race was staged and held up a televised horse race for ten minutes. The organisers were disappointed that some of the media reported this as an animal rights demonstration.

Another joint effort at organised protest resulted in a 33,000 signature petition being handed to an MEP in Hull. Signatures

were gathered by groups all over the country, to a petition claiming that the Act contravenes Article 6 of the Treaty of Rome in respect of its inability to provide an independent appeals procedure.

#### **13.4.7 Links to other groups**

In spite of some joint efforts at protesting, links to other groups were tenuous, and groups often disagreed on the best way to progress. Some groups embarked on very militant, even illegal, campaigns, although the Nottingham group was keen to dissociate itself from these extremists. Members of some neighbouring groups were invited to meetings when a potentially interesting speaker had been arranged and information was regularly (though informally) exchanged between neighbouring local groups.

There were links to the umbrella organisation, NACSA, through the distribution of newsletters and information on national protests. However, views of the local group were never sought and there was some resentment to the claims made by NACSA that they represented local groups, when in fact NACSA made no attempt to seek their involvement beyond attendance at rallies. It was the experience of the Nottingham group that on the few occasions that meetings were arranged to get a number

of local groups together, these tended to be lacking in sensible debate or negotiation.

Nationally organised protests were found to be poorly organised, apart from one very successful protest in February 1994 which was attended by around 5,000. Otherwise, protests were not given proper planning, and support for NACSA from the Nottingham group wavered. Contributions from local groups to fund the national effort were therefore small and often reluctantly given.

### **13.5 Involvement of Protest Groups in the Policy Process**

It has been shown that both NACSA and APART had regular contact with Ministers, MPs and the Agency itself. This contact was not always of a constructive nature, being a mixture of serious discussion and deliberate disruption.

#### **13.5.1 The Agency**

Both groups had formal meetings with senior management, including the Chief Executive, where discussions took place on administrative difficulties being experienced. On the other hand, both groups were involved in the issuing of advice which was potentially disruptive, for example co-ordinated letter-writing campaigns which were designed to clog-up the system



and other schemes with the sole purpose of deliberately delaying the processes involved.

### **13.5.2 Ministers, MPs and Political Parties**

Representatives of both groups met with ministers involved with the Agency. These were generally viewed by the protestors as constructive meetings and sometimes resulted in quite detailed written replies being sent to specific queries.

These meetings were used to discuss general principles as well as specific problems and both protest groups attempted to think out arguments they wished to get across, to present their points professionally and coherently. Locally, the Nottingham group sometimes found this difficult given the Committee's and the members' limited ability or willingness to discuss policy.

Locally, APART members had continued contact with local MPs, at APART meetings, at surgeries and by post. Local MPs were also lobbied in parliament by APART members taking part in nationally organised lobbies.

NACSA had talks with both Labour and Liberal Democrat representatives, giving presentations of their alternative ideas.

The Liberal Democrats also had continued contact through Liz Lynne's involvement with NACSA.

### **13.5.3      The Media**

Both NACSA and APART enjoyed considerable media coverage. Nationally, NACSA ensured media awareness of "horror stories", particularly suicides which could be partly attributed to the involvement of the Agency. They also gained publicity for protest marches. Newsletters also gathered together details of media coverage from local groups.

APART had good contacts with the Nottingham Evening Post, who frequently ran stories suggested by the group, as well as advertising local activities. Further coverage was gained through raising money for local charities. Local radio stations chaired debates and invited APART members to discuss the Agency and its problems.

Tunstall (1996) notes the tendency of journalists (particularly tabloid journalists) to publish stories involving "human interest" and "conflict". Stories involving babies and small children are seen as particularly newsworthy (Tunstall, 1996, pp 200-201). It is easy to see, therefore, how absent parents with second families could present the press with a story. The willingness of

absent parents and second families to do this contrasted markedly with the reluctance of parents with care to subject their families to such intrusion.

It may also be relevant to note that the staff of newspapers were dominated by men. In 1994 only 17% of national newspaper journalists were women. Whilst there was a similar proportion of women editors and deputy editors, it should be noted that there were NO women editors of national dailies and only 5% of political, business, news and sports editors were women (Tunstall, 1996, p 138).

Through these contacts and methods, the protest groups managed to feed into the policy process. Although largely inexperienced in lobbying, at least one founding member of NACSA had previously been involved in campaigning work on other issues. The support of the media obviously helped give momentum to the campaign, and political contacts were well maintained and useful. Also of benefit to the campaign was good access to resources such as computers and printing facilities, as well as time and money. This contrasted with the situation for the voluntary organisations who often found themselves too involved with other issues, or too short of staff to deal adequately with CSA-related matters, but who, it could be

argued, were experienced and professional lobbyists with good contacts and existing relationships with parliament and civil servants. The following chapter examines the work of the voluntary organisations between 1993 and 1996.



## **CHAPTER FOURTEEN**

### **The Voluntary Sector –**

#### **Still grappling with the details**

##### **14.1 Introduction**

Chapter 8 looked at the National Council for One Parent Families, the Child Poverty Action Group, the National Association of Citizens' Advice Bureaux and Gingerbread, as well as Families Need Fathers. A brief history of each organisation was given there, as was initial reaction to Children Come First, the Agency and the formula. This chapter examines how the first four of these organisations responded to the Child Support Act and the Agency once operations had commenced, how the impact of the Agency was monitored and what action each organisation took in response to the developing situation. Families Need Fathers' responses are not available; that organisation did not give any further evidence to the Social Security Select Committee on the subject of child support and

did not respond to repeated requests for assistance with the study.

Each section starts with a resume of the organisation's view prior to commencement of the Agency. This is largely a recap of the detail given in Chapter 8, but serves to remind the reader of each organisation's objectives. Each section then goes on to detail the arrangements made for monitoring the impact of the Agency, and looking at evidence collected during the first year of the Agency's operations and evidence presented to the Social Security Select Committee in June 1994.

Chapter 15 draws together the recommendations actually put forward by the Select Committee, and the government's response to them.

## **14.2 NCOPF**

### **14.2.1 Initial Position**

The NCOPF welcomed the Act and the Agency. As detailed in Chapter 8, the NCOPF saw that benefits to lone parent families were constantly under threat and believed that the enforcement of maintenance arrangements, along with training and employment opportunities, would help lone parents raise themselves and their families out of poverty.

The NCOPF was concerned at the speed with which the Act was brought in and the limited opportunities for consultation, although it was keen to support the idea of an administrative system with limited discretion. It would have preferred a system operated through the Inland Revenue, with a move away from the Benefits Agency. A stress on the acceptance of maintenance liability in the same way as income tax is accepted was seen as preferable to a poor person's agency linked to Social Security benefits.

On the detail of the formula, the NCOPF was in favour of a maintenance disregard to lone parents on Income Support, with no extra benefit penalty for those parents with care choosing not to co-operate with the Agency. The NCOPF also argued for guaranteed payments of maintenance, as an incentive for lone parents to return to work in the knowledge that their maintenance payments were secure. The NCOPF was also in favour of the personal allowance of the parent with care being included in the assessment, and a greater share of the absent parent's income being allocated to the 'first' family.

The NCOPF stressed its concern at the retrospective nature of the legislation and at the implications for the housing of lone

parent families. It saw decent housing as paramount and feared that the new arrangements would discourage absent parents from allowing the parent with care and children to remain in the family home.

Rather than chasing absent parents who were low paid or unemployed and enforcing a minimum payment, the NCOPF saw the Agency's role as securing realistic amounts of regular maintenance from those who could afford to pay. The imposition of a minimum payment on those absent parents on Income Support was seen as a waste of resources.

#### **14.2.2      Monitoring the Reality of the Act and the Agency**

The NCOPF set up a child support monitoring project. This was largely as a result of the number of parents with care seeking advice, and the information gathered was used in lobbying and evidence to parliament.

There was no systematic research carried out into the reaction of NCOPF members to the Act or the Agency, but feedback was obtained through 'phone calls to the advice line and from discussions at workshops held by the NCOPF. In the first year of operation of the Agency, the NCOPF dealt with over 3,500



enquiries and looked in detail at 150 cases. The findings from this work were published in the document “The Child Support Agency’s First Year: the Lone Parent Case”, and were used to support evidence given to the Social Security Select Committee in June 1994.

### **14.2.3      The Child Support Agency’s First Year: the Lone Parent Case**

This report highlighted the reality for many lone parents. Whilst hearing strong objections from absent parents to the level of assessments, there was little evidence of any money getting through to the parents with care, and even less evidence of any benefit being gained. The NCOPF was concerned that the Agency’s gross inefficiency, coupled with the campaign by absent parents, meant that absent parents were still not paying. Meanwhile, parents with care were being threatened with a loss of benefit for refusal to co-operate, were experiencing difficulties resulting from poor information given out by the Agency, and were suffering the loss of passported benefits and payments in kind from absent parents.

The report concluded that the new system was failing to deliver for the majority of its clientele, and that operational as well as legislative reform was essential if the Agency was to succeed.

The monitoring system applied to the advice line at the NCOPF meant that it was possible to give specific examples to back up criticisms of the new maintenance system. The report drew attention to specific operational difficulties being highlighted. The report also recommended legislative reform. The results of this monitoring and reporting were given as evidence to the Social Security Select Committee in June 1994.

#### **14.2.4 Evidence to the Social Security Select**

##### **Committee June 1994 (see HC470-I, 93-94, pp. 15-24)**

A memorandum provided by the NCOPF for the Committee specifically recommended:

- a maintenance disregard for Income Support;
- abolition of the benefit penalty, or at least a lowering of the amount and discretion as to the length of time the penalty is applied, with no deduction from families with a disabled child or for lone parents under 18 years of age;
- extension of passported benefits;

- interim reviews of Family Credit where necessary;
- phasing-in of reductions in maintenance where these are substantial and caused by changes to the formula;
- a system whereby a parent with care can have access to review, if a well-off absent parent is paying an IMA rather than having a final assessment made;
- help for fee-paying clients with paternity disputes, with the power to order DNA tests where both parties agree, and the presumption of paternity where couples were married, in line with other legislation.

Looking at the issues affecting absent parents, the memorandum also recommended that there should be criteria to depart from the formula, including unusually high access costs, support of an elderly or disabled relative, payment of joint debts or mortgage payments by the absent parent on the property occupied by the parent with care.

For retrospective cases, the NCOPF recommended that property or capital settlements could give grounds to depart, as could

secured loans and other unavoidable loan repayments. For current cases, it was recommended that the formula should be able to take into account settlements, through a process of equalising the equity forgone over the period of the child's dependency.

Other issues covered included: the inconsistencies seen in the benefits and taxation systems; the need to zero-rate maintenance assessments of absent parents who are themselves on Income Support; the need to delay liability until six weeks after the absent parent received the MEF; the better use of Inland Revenue records; the importance of treating step-children as natural children when their own father is dead or untraceable.

Oral evidence was given by the NCOPF on 15th June 1994, accompanied by representatives of Gingerbread. Those questioned by the Committee confirmed the recommendations contained in the memorandum, elaborating the points made but not making any additional proposals. The NCOPF later submitted a supplementary memorandum concerning a maintenance disregard for Income Support, showing how this could help parents with care pay for childcare, enabling a gradual return to work.



### **14.3 CPAG**

#### **14.3.1 Initial Position**

As outlined in Chapter 8, the CPAG was concerned at the levels of poverty being experienced by a large number of families, not just lone parent families, and was in favour of policies designed to ensure that all families share in the wealth of society, not merely the prosperity of their natural parents. Such policies would include proper benefit levels in full recognition of the real cost of bringing up a child, improved employment opportunities for all parents, a minimum wage, provision of childcare, improved rights for part-time workers, reduced hours to enable men to participate more in family life.

The CPAG therefore gave the Agency a rather guarded response, and preferred to think of it as a small part of a much larger package of help for families. The emphasis on private responsibility rather than shared public responsibility for all families was not seen as the most desirable way to proceed, particularly in view of the lack of evidence as to *why* lone parents were not receiving adequate amounts of maintenance. Concern was also expressed at the use of a Next Steps Agency, and the use of a regulation-based system with “skeleton” legislation.

On specific points, the CPAG was concerned that the formula would push second families into poverty whilst doing little to help first families. Interestingly, the CPAG advocated only a small maintenance disregard to those on Income Support, seeing larger allowances as discriminatory and exacerbating the differences between families. Other objections were a general dislike of any policy which acted as a subsidy to employers who are encouraged to employ a specific group of people at very low wages, and an over-complication of the already-complex system of benefits.

The CPAG expressed grave concern at the imposition of the benefit penalty for non-cooperation, arguing that pursuing maintenance would not always automatically be in the child's best interests and that each case should be considered on its merits. It cites as an example the case where a man fathers a child outside his marriage, and the pursuit of maintenance would jeopardise the stability of both family units, where in the past the Liable Relatives Offices would have had discretion to drop the case.

The belief in treating all families equally as much as possible also meant that the CPAG was against the personal allowance

continuing where the parent with care had re-partnered, particularly as there was no equivalent allowance for the absent parent's new partner.

On the issue of absent parents having to contribute a minimum amount, the CPAG made comparisons with the Poor Law's treatment of the "undeserving" poor, and expressed concern that absent parents could be put into severe poverty by having their Income Support reduced.

Other concerns initially expressed by the CPAG included the dilemma of whether or not to link maintenance payments to access, pointing out that however unsatisfactory such a link would be, it was a fact that absent parents were much more likely to pay maintenance regularly if they still had contact with their child(ren).

#### **14.3.2      Monitoring the Reality of the Act and the Agency**

Problems being experienced by first and second families, absent parents and parents with care, were brought to light by the CPAG Child Support Agency monitoring scheme set up at the end of 1992. This was a network of advice and support organisations across the country who agreed to supply the

CPAG with details of child support enquiries they were receiving. Members of the network were sent quarterly newsletters giving the results of the monitoring and details of important developments in the child support scheme and changes in the law.

Two hundred and sixty-four agencies and interested individuals agreed to supply information to this monitoring scheme, and they were asked to give details of ordinary, run-of-the-mill cases as well as exceptional or particularly problematic ones. Quotes from the cases supplied and letters received directly by CPAG formed the basis of CPAG evidence to parliament.

CPAG also fed into the monitoring group set up by the voluntary organisations.

### **14.3.3 “Putting the Treasury First”**

In 1994, the CPAG published “Putting the Treasury First”. This was a very informative book; as well as detailing the background to the **Child Support Act** and the setting up of the Agency, the book set out problems being presented to the CPAG in the first months of operation of the Agency.



The book gave details of problems with the formula and with the operation of the Agency. Specific areas of the formula were addressed along with the effects seen in practice and reported to the monitoring scheme. From this detail, the CPAG put forward a number of recommendations for operational changes and for policy re-assessment.

The book confirmed the CPAG's belief that a new system of child support had been required; that the old courts and liable relatives units were not effective and to return to them would be a mistake. It also confirmed the CPAG belief that one system should apply to all cases, irrespective of benefit status. Having highlighted the main deficiencies being seen, the book gave CPAG proposals for amendment of legislation and social security regulations to alleviate some of the problems. The pros and cons of scrapping the Act altogether were also discussed, although CPAG acknowledged that this was unlikely.

Suggestions included looking again at the use of a family court, or placing the Agency under the auspices of the Inland Revenue. Support was expressed for a formula-based system, although more discretion could be useful in ensuring fairness.

#### **14.3.4 CPAG Proposed Formula**

CPAG proposed a revised formula, which removed the stage where the *maintenance requirement* is calculated. This was a detailed formula which sought to alleviate some of the areas of difficulty found in reality with the formula in use during the first year.

Step one is calculating the absent parent's *exempt income*, including:

- personal allowance and premiums for the parent and his own children;
- housing costs without any reductions for step-children, ie, in full if single and 75 per cent if with a partner;
- council tax net of benefit - in full if single and 75 per cent if with a partner;
- an amount to compensate for no entitlement to passported benefits;
- an amount for a partner and step-children, which is not covered by the partner's net income.

The proposed formula then involved calculating *assessable income*, in this case with work-related expenses deducted and Family Credit ignored.

Step three involved calculating the *distribution* of assessable income between all the parent's own children, not just the children in the first family. For example, where the first family contained two children and the second family had no children, the deduction rate would be 40 per cent, but this would reduce to 20 per cent if the second family also contained two children. Where the first family had three or more children and the second family had no children, the deduction rate would be 50 per cent, but this would reduce to 33 per cent if the second family also contained three children.

There would be a level of *protected income* as in the current formula, but extended to include all housing costs, 100 per cent of pension contributions and interest on secured loans, with a taper of 20 per cent for absent parents with new partners and 25 per cent for second families. Exceptional access costs could also be included in the protected income.

The final stage of the calculation takes into account *property settlements*, with half of the foregone equity being turned into a weekly amount by spreading it over the period from the time of the settlement until the youngest child's 19th birthday.

#### **14.3.5 Evidence to the Social Security Select**

**Committee, June 1994 (see HC470-I, 93-94, pp. 1-15)**

The book, including the proposed formula, was submitted as written evidence to the Social Security Select Committee, prior to oral evidence. Two representatives of the CPAG gave evidence to the Social Security Select Committee on 15th June 1994, alongside two representatives of NACAB. As well as submitting the detailed proposals contained in the book, the CPAG put forward five basic suggestions for improvement:

- removal of the requirement to co-operate and the benefit penalty;
- introduction of a maintenance disregard;
- guaranteed payments for those on Family Credit;
- substantial changes to the formula;



- an end to the minimum payments by absent parents who are themselves on Income Support.

During discussions with the Committee, the CPAG expressed concern that the system was becoming two-tier, in that it is only those parents with care who are on benefits who are required to co-operate. The claim that the system was to support a child's right to maintenance was not borne out by this different treatment of different families.

Further criticism was levelled at the emphasis on the Treasury. Whilst accepting that many absent parents in the past had failed to provide for their children, the CPAG doubted that the new system had in fact been designed to put children first. Although not saying that the system should ignore the taxpayer, the CPAG was concerned to ensure that children really do come first when looking at whether a system of child maintenance is working or not.

On more specific issues, the CPAG confirmed its view that property settlements should continue to be encouraged in the future, and that it would be helpful to make some allowance for this in assessments. However, the CPAG was concerned that to

re-consider assessments already made would be disruptive, and that any change should be for future cases only.

On the introduction of some discretion into the formula, the CPAG claimed to be suspending judgement. The need for an improved formula administered effectively was more urgent, with discretion to be re-considered at some future date if a fairer formula fails to be effective. Discrimination and inconsistent results were seen as possible failings were discretion to be introduced, and CPAG believed you do not need discretion to be fair.

On whether the payment of maintenance was acting as an incentive for parents with care to return to work, the CPAG said that its monitoring suggested that maintenance payments may help, but that other issues weighed heavily in the decision to return to work and leave the relative security of Income Support. Childcare availability and affordability, training, low pay and the unavailability of any work were important considerations, and maintenance on its own could not be the solution to the problems of poverty faced by lone parents.

The principle that parents with care should be able to withdraw if they wish was important to the CPAG. This was seen as

useful where past settlements were being over-ridden, and perhaps the parent with care was happy with the previous arrangement. The right to cancel the Agency assessment (separate from the right to refuse to co-operate for “good cause”) was put forward as a way to accommodate previous arrangements which were to the satisfaction of all parties. A member of the Committee wondered whether this would lead to extra pressure being put on parents with care to opt out, but the CPAG felt that the ability to choose outweighed the danger of intimidation by the absent parent.

On the issue of a maintenance disregard for those parents with care on Income Support, the CPAG expressed the view that this was important to cover the lost “extras” which were often previously provided by absent parents and which may now have stopped - things such as buying clothes or paying for trips. The extra would also help to off-set the loss of passported benefits for those on the margins of Income Support entitlement.

It was said by a member of the Committee that the CPAG suggestions for altering the formula may make matters worse by adding to an already-complex assessment. In response, it was stated by the CPAG that it would in fact be possible to simplify the formula somewhat, and that issues of fairness should take

priority. It was also accepted that some of the changes would reduce the amount going to the parent with care, but this was seen as necessary to protect the position of poorer second families. As explained in the book given in evidence, the CPAG proposal was for certain deductions from income and then one taper that would depend on how many children the absent parent was supporting in the first family and the second family, with no reference to the “maintenance requirement” as in the current formula.

Discussing whether the parent with care’s right to withhold or withdraw consent or co-operation was made clear by the Agency, the CPAG said that their monitoring had shown inconsistent application of the guidelines by the Agency. Reports of interviews varied, with the discretion open to the interviewer used inconsistently. This was put forward as a reason for the CPAG’s belief that the decision to co-operate should lie solely with the parent with care. The benefit penalty meant that people were having to live below the poverty line, and in some cases were withdrawing their claim for benefit altogether.



## **14.4 NACAB**

### **14.4.1 Initial Position**

NACAB held the view that the **Child Support Act** was inadequate in that it did nothing to address the problems of childcare, the interaction of benefits, or the poverty trap, and did not present a genuine choice for the parent with care of whether or not to take up paid employment. NACAB expressed the view that the benefits system and employment opportunities were more relevant to the income of lone parents, and that the important thing was to improve the benefits system to cope with the inadequacies of maintenance, rather than putting the emphasis on improving the maintenance itself.

NACAB also drew attention to the lack of provision for clean break settlements, and for those parents with care who are not on benefit and not receiving maintenance. Criticism was also aimed at the administration and delivery of Family Credit.

### **14.4.2 Monitoring the Reality of the Act and the Agency**

As stated in Chapter 8, NACAB had already established an elaborate system to obtain feedback from the bureaux. All subjects being brought to bureaux are logged and summaries are drawn up, with particularly interesting or difficult cases

being highlighted and given in detail to NACAB. This system had been in operation for some time, covering all issues seen, and it was therefore relatively easy for NACAB to monitor the impact of the Act and the Agency. A separate, three month, scheme was also set up to augment this established system. The report produced after one year of operation of the Agency was called “Child support: one year on” and contained full details of the monitoring process and results.

#### **14.4.3 “Child support: one year on”**

This report, published in April 1994, presented evidence from CABx throughout the country, and made recommendations. Individual CABx were asked to submit details of child support cases they had advised on. In all, 2,873 evidence forms were submitted by bureaux covering the period between April 1993 and March 1994.

CABx also undertook a monitoring exercise from September to November 1993, involving responses from over 400 bureaux. During those three months the bureaux responding to the monitoring exercise had advised over 16,000 clients with child support enquiries. Thirty-nine per cent of these were from the parent with care; 51 per cent were absent parents and 10 per cent others, such as partners or other relatives.

The report subsequently produced and published as “Child support: one year on”, detailed the areas of concern presented by clients, with many examples of actual cases seen. From these problems, NACAB suggested improvements to the child support formula and administration of the Agency.

The main conclusions given in the report were as follows:

- The government has sought to characterise the present debate as a conflict between the interests of parents with care and absent parents. This ignores the interests of children and the role of government in ensuring their welfare. Society has an interest in investing in children.
- Short-term gains to the taxpayer have been prioritised, over long-term investment in a system of child maintenance of positive and tangible benefit to children.
- There is often no financial gain for the parent with care and the child(ren). Some may be worse off. A maintenance disregard is seen as vital for those parents with care on Income Support.

- Enforcement by the Agency has been unreliable. It is essential that those parents with care eligible for Family Credit have a reliable payment of maintenance, guaranteed by the benefits system where it is included in the Family Credit calculation.
- Absent parents are frustrated by the lack of an opportunity to put their case directly. This is about a lack of discretion and appeal procedures, but also about the use of remote offices by the Agency.
- The system means that absent parents inevitably start with an amount of debt. NACAB recommends that the date of liability is changed, and that those absent parents on Income Support should not have to pay anything.
- Performance seen in the first year would suggest that the Agency will find it impossible to meet the demands required over the coming years, when more and more cases are to be taken on. Major changes are urgently needed if the scheme is to succeed.
- Tension between parents has been increased.



The report detailed four key recommendations -  
that the government should:

- 1      Introduce a maintenance disregard of £15 for parents with care who are on Income Support.
- 2      Guarantee maintenance payments to parents with care in receipt of Family Credit.
- 3      Abolish the child support deduction made from the benefit of absent parents on Income Support.
- 4      Alter the effective date for commencement of child support liability, so that where the absent parent has returned the MEF within two weeks of issue, liability should begin from the date of assessment.

Changes to the formula were recommended in great detail, with actual cases given as evidence to back up the recommendations. These recommendations included more allowances in exempt income and in protected income, and the withdrawal of cases involving capital settlements made before April 1993, with allowances for capital settlements agreed under the current system.

It was also recommended that discretion to depart from the formula should be introduced, to be administered by a tribunal when exceptional hardship can be shown. Consideration was also sought to a simplified system of calculation involving a percentage deduction according to the number of children the absent parent is supporting.

Operational changes recommended included reviewing workloads within the Agency and future take-on plans; better communication with parents; more efficient enforcement action including realistic arrangements for the payment of arrears.

The Agency's dealings with the Benefits Agency were also dealt with, with a call for improved support for parents with care who do not receive the expected maintenance and have to seek help in the form of Income Support. A speedier and more efficient appeals system is also seen as essential.

Each of these recommendations (and others) were presented along with details of real cases. There was equal weight given to the problems of absent parents and parents with care, and examination of the impact of maintenance on family life and relationships.

#### **14.4.4 Evidence to the Social Security Select**

**Committee, June 1994 (see HC470-I, 93-94, pp. 1-15)**

Two NACAB representatives gave evidence to the Social Security Select Committee on 15th June 1994, accompanied by two representatives of the CPAG. Written evidence was given in the form of the above report and questioning covered those areas already mentioned in details of CPAG evidence.

Briefly, debate included the fact that a child's welfare involves considering much more than the financial arrangements covered by the Act. There was a re-emphasis of the fact that many parents with care do not benefit from the Agency's involvement, and some lose out. Other problems already covered were mentioned again, such as lack of allowance for capital settlements and lack of a maintenance disregard for those on Income Support, the over-turning of past agreements, the need for amendments to the formula and a preference for some discretionary powers at appeal level.

Oral evidence, as in the report, covered the concerns of both parents with care and absent parents. The difficulties faced by low paid absent parents and their new families were particularly

highlighted, and the inability of the current Family Credit system to allow for maintenance paid out. This meant that absent parent families on Family Credit were left with a level of income below the level expected for this benefit, and this could clearly act as a disincentive to work and problems of poverty for the second family.

Also of benefit to the absent parent on a limited income would be the proposal made by NACAB that major changes to maintenance assessments should be phased in over three years. This was to allow for existing credit agreements to be brought to an end or re-scheduled.

On the issue of retrospective cases and previous court settlements, NACAB went further than other groups in calling for court agreements to be reinstated, with removal of Agency involvement. But the oral evidence also covered the problem of pensions not being taken into account in matrimonial settlements. Whereas property was considered and shared, the value of pensions in the past was often overlooked.

Also on relationship breakdown and subsequent housing, the problems of absent parents having inadequate housing to accommodate their children on visits or extended stays was



brought to the attention of the Committee. One of the  
Committee agreed

“It is not proper contact if it is a day at the zoo rather  
than actually staying with the absent parent”.

(HC470-1, 93-94, p. 9)

On the introduction of a maintenance disregard, NACAB  
evidence put a different perspective on this, in that they  
mentioned the problems of debt experienced by lone parents.  
They saw a maintenance disregard as helping with debts  
incurred over prolonged periods on Income Support, enabling  
parents with care to return to work sooner. This arose because  
many concessions regarding repayment of debts are linked to  
the receipt of Income Support, and these would be lost by the  
parent with care taking up employment. The disregard would  
help reduce this burden of debt and make it easier to go out to  
work.

The inefficiency of the Agency was again stressed, and problems  
of poor communication leading to parents with care not being  
able to withhold or withdraw consent to pursue the absent  
parent, and problems of enforcement once an assessment had  
been made. Such was the extent of the inefficiency witnessed  
by bureaux that NACAB confirmed that if changes were not

made very urgently, the whole system was in danger of collapse. The proposed take-on of further cases was therefore of particular concern.

The evidence given by NACAB differed from that presented by other organisations in that it highlighted problems of debt for both absent parents and parents with care. Clearly, this reflected the cases being seen in bureaux and experience of this organisation in debt management and counselling. The other organisations in the study would not normally be involved in this type of work to the same extent; it could be argued that NACAB presented evidence from a broader perspective.

As with the other organisations, NACAB continued to use evidence of real cases in its briefings and submissions to parliament and to the Agency itself. Many clients used the bureaux for advice on child support matters - 80,000 during the year April 1994 to April 1995.

## **14.5 Gingerbread**

### **14.5.1 Initial Position**

Gingerbread supported the principle of parents being financially responsible for their children and gave the Agency a cautious welcome. Although in favour of an administrative system,

concern was expressed that the formula was regressive, resulting in punitive assessments for poor absent parents and relatively easy assessments for wealthy absent parents.

#### **14.5.2      Monitoring the Reality of the Act and the Agency**

Gingerbread was a self-help organisation for lone parents with very limited resources. Therefore the extent of monitoring and campaigning carried out was limited. However, the advice line run by Gingerbread was well used, and between April 1994 and March 1995 child support became the most asked about topic. Basic information on the nature of calls to the advice line was collected and used to support policy decisions.

#### **14.5.3      The Developing Picture**

Gingerbread became aware of the difficulties being experienced by parents with care from calls to its advice line. Many calls were from parents with care concerned about giving the Agency information about absent parents who might then want to revive the relationship. Delays in assessments caused by both the Agency and the non-cooperation of absent parents were also frequent complaints.



The amounts actually being received were often inadequate and there was real concern at the interaction with other benefits, resulting in the parent with care being worse off.

Gingerbread worked closely with the NCOPF, writing a joint letter to the Prime Minister in May 1994. This letter expressed the concern of the two organisations and the dissatisfaction with the way the Agency's operations were working. This letter was sent as a press release to gain publicity for the difficulties of parents with care, in some way to counter-balance the mass of publicity being given to absent parents at that time. Early day news coverage was reasonable, but the day's news was then dominated by the sudden death of the Labour leader, John Smith. Coverage of the joint letter therefore never materialised to any significant degree, and the NCOPF and Gingerbread were thwarted in that attempt to gain media recognition for all the issues.

**14.5.4 Evidence to Social Security Select Committee,**  
**June 1994 (see HC 470-I, 93-94, pp. 15-24)**

Representatives of Gingerbread worked with the NCOPF when giving evidence to the Social Security Select Committee in June 1994. Their views were very similar; areas covered included:



- the fact that parents with care were not being heard in the debate;
- the fact that the majority of parents with care stood to gain little or nothing, and there had been no discernible incentive or opportunity for them to move into the workplace;
- support for an administrative system, tempered by an appeal mechanism for exceptional circumstances;
- the advantages that would be seen with the introduction of a maintenance disregard;
- the benefit penalty - Gingerbread were calling for its abolition;
- the need to compensate for the loss of passported benefits for those floated off Income Support.

#### **14.6 The Monitoring Group Forum**

Further pressure was brought by the voluntary organisations who belonged to the Monitoring Group. These included NCOPF, CPAG, NACAB and Gingerbread and together these

organisations sought to influence Members of Parliament by holding briefing sessions within the House and providing information for debates. Although disagreeing on some details, the members agreed to put a united emphasis on what were considered the most important elements to be promoted by the group. In June 1994 these were seen as:

- The need for a maintenance disregard for parents with care on Income Support.
- The need for a guaranteed income for the low paid.
- Formula adjustments to make maintenance more affordable.
- Improved administration by the Agency.

## **14.7 Involvement of the Voluntary Organisations in the**

### **Policy Process**

#### **14.7.1 The Agency**

Representatives of all the voluntary organisations included in the study met twice-yearly with the Chief Executive of the Agency for a general discussion of the main problems being

seen. NCOPF confirmed that Ann Chant was prepared to discuss both policy and operations with them.

NCOPF, CPAG, NACAB and Gingerbread also had regular contact at other levels of the Agency for specific cases. NACAB felt meetings with senior managers at the Agency were useful, describing discussions as “full and frank”. CPAG also felt contact with senior civil servants had improved under the Next Steps initiative.

#### **14.7.2 Ministers, MPs and Political Parties**

NCOPF felt that it was difficult to have influence given the size of the Tory government’s majority. Nevertheless, NCOPF staff were consulted by Ministers, but were generally disappointed by the meetings. The lack of success in getting changes through for the benefit of the parent with care, but the relative gains for absent parents were seen as a victory for the absent parent lobby.

NCOPF put effort into lobbying particular MPs, but also worked through the Monitoring Group, presenting a united front with other lobbyists, including CPAG, NACAB and Gingerbread.

Gingerbread also met with Ministers on various related issues such as employment and childcare, but had only incidental discussions on the **Child Support Act** and the Agency.

NACAB aimed to inform ministers and MPs by presenting real cases and explaining real difficulties and how these could be avoided. This was generally reactive, although the report “Child Support: one year on” was proactive. However, the staff at NACAB did not see their role as presenting academic arguments, or major changes.

CPAG had contact with particular MPs and found a keen interest amongst some peers. Briefings were provided for back-benchers and peers. With the government itself, CPAG contact was limited to general discussions rather than specific points on the **Child Support Act** or the Agency. CPAG found civil servants more amenable to debate about specific points, although this still amounted to only a small amount of contact.

Ministerial contact for the CPAG was frustrating in that whilst appearing to listen to the arguments, the government actually did little in response. There was a feeling amongst CPAG staff that when the government agreed with the CPAG on a specific issue, they were keen to announce “we have the support of the



CPAG”, yet when they did not reach agreement, CPAG were simply ignored.

Similar experiences were relayed about the Labour Party with particular annoyance at a letter produced by a member of the public from the Labour Party which said “we talk regularly with groups such as the CPAG” when in fact there had been no such contact and the Labour Party had made no effort to contact them at that time.

In spite of this lack of contact, CPAG persevered and sent briefings to all members of the Standing Committee when the 1995 Bill was going through, detailing amendments. CPAG staff were pleased to receive a reply from the Minister concerned which gave a specific reply to every amendment CPAG had suggested. This was unusual in CPAG experience and was very welcome, particularly as it enabled further amendments to be modified, as a form of compromise, to gain support as the Bill progressed.

### **14.7.3 The Media**

NCOPF felt that the media were very biased over child support issues and that male reporters were over-eager to take-up the stories of absent parents, often giving a misleading picture.

NCOPF efforts to put the parent with care's point of view were often frustrated, particularly as resources were being taken up defending lone parents generally against the government's "Back to Basics" campaign and associated stories running in the press. This left the NCOPF staff unable to pursue other avenues, and thus work on the Agency was to some degree curtailed.

A genuine attempt was made to refocus the media on the anniversary of the start of the Agency, with a report and press conference, putting forward the lone parents' view. This short campaign was viewed as successful by the NCOPF, but was not sustained.

A particular difficulty was the reluctance of lone parents to tell their stories to the press. Whereas absent parents often felt no concern at receiving extensive press coverage (and indeed in many cases sought such coverage), the NCOPF and Gingerbread found that lone parents expressed concern about the effect this may have on the children and a reluctance to become involved in media activity. This made gaining the media's interest harder for the organisations concerned who were frequently asked for "real examples".

NCOPF did become aware of some new local groups of lone parents starting up when the **Child Support Act** and the Agency came into being, but these quickly failed through lack of resources. With no money for campaigning, even for stamps and 'phone calls, lone parents did not have the resources to organise and promote their case that absent parents could command. Nor did they have a desire to thrust their families into the full glare of the media spotlight.

Gingerbread's contact with the media tended to be reactive rather than proactive. Limited resources did not allow any sustained campaigning, and although Gingerbread had worked with the NCOPF to put the lone parents' point of view, this had tended to be a reaction to the parliamentary timetable or the press rather than a reaction to Gingerbread membership.

NACAB also supplied names of clients willing to talk to the press and were often approached for comments. Staff prepared briefings on the Agency according to the parliamentary timetable and responded to the press when approached.

CPAG had a press officer at the time of the one year anniversary of the Agency and this enabled a more proactive approach than was usually possible. A press conference was held but the



CPAG were disappointed that the media did not listen to CPAG points, but apparently only wanted to discuss views from the absent parent angle. Although not openly hostile, CPAG did not feel the media were in any way supportive of their ideas on the issues involved, seeking only to dramatise particular cases or take the absent parent line and the need to pursue “feckless” or “errant” fathers, not those who were already paying something.

When resources allowed, CPAG sent out responses to reports etc to key journalists and the press association. Local radio stations also often showed interest in Agency issues and asked CPAG to take part in debates or ‘phone-ins. But the CPAG had limited resources and were mainly interested in the Agency from a low income point of view, which was not the angle pursued by the press.

#### **14.8 Discussion**

Although the voluntary organisations had paid staff and were constantly involved in the parliamentary process, they remain small-scale, low funded bodies. The extent to which each organisation could become involved in a particular issue was dependent on what other important issues it was also dealing with at that time. For example, work on the Agency did not



command full attention from CPAG or NACAB, who had many other pressing social security and housing issues to deal with.

Thus it could be argued that whilst these groups did have the advantage of having established contacts within the parliamentary process and a full awareness of the procedures involved, they were hampered by the extent of their remit, which prevented concentration on **Child Support Act** and Agency matters alone.

The other major limitation identified by all the voluntary organisations was the reluctance of lone parents to put themselves in the media spotlight. Workers at the voluntary organisations expressed the view that this had combined with a male dominated press to produce largely one-sided news coverage. The voluntary organisations did not have the resources to counter-act this, and whilst it is impossible to say what influence such bias press coverage had on the parliamentary process, workers interviewed in the study felt that the general public were subjected to an inaccurate portrayal of the work of the Agency. Hardship suffered by parent with care households was often portrayed as the fault of an idle or scrounging parent with care. Meanwhile, maintenance assessments fixed by the Agency were

misrepresented, with, for example, IMA amounts put forward as a final assessment. Other press coverage included stories of suicides attributed to the work of the Agency; where clearly many other factors were involved in these sad cases, if the Agency had had any contact with an absent parent committing or attempting suicide, this was taken by the press to be the main cause.

Meanwhile, the voluntary organisations continued to lobby parliament in the traditional way, doing detailed work on briefings and amendments, but expressing frustration at the apparent lack of impact this work had, particularly when compared with the high profile campaign being fought by the protest groups.

The following chapter analyses the changes introduced by the government in response to the failings of the policy and the Agency and assesses where lobbying might be judged to have been successful.

## **CHAPTER FIFTEEN**

### **Analysis of the changes**

#### **15.1 Introduction**

This case study of the Child Support Agency considers the extent of consensus surrounding the introduction of the policy and, following the model set out in Hall (1995), looks at whose interests were passed over and whose commanded enough power to wrest consent from a reluctant government.

Recommendations of the Social Security Select Committee in October 1994 have been covered in Chapter 12. The evidence of voluntary organisations and protest groups seeking to influence the Committee and the government has been presented in Chapters 13 and 14.

The Committee was concerned to stress that they were not responding to the unacceptable behaviour of some absent parent groups, nor to the wilder claims being made, but were

keen to seek a balance between the interests of the child and parent with care and the need to gain acceptance of society as a whole and to gain the willing co-operation of absent parents. Clearly, some of the recommendations sought to reduce the amount paid by the absent parent. It was seen as important to maintain a work incentive and strike a balance between first and second families. However, the recommendations went further than these simple requirements. For example, the recommendation relating to date of liability particularly favoured the absent parent: the recommendation was that if the absent parent returns the MEF within four weeks, then the date of assessment should be the date of liability. Given the length of time being taken for assessments to be completed, this recommendation would certainly have favoured the absent parent (in non-benefit cases, the full cost of which would be borne by the parent with care household). However, the call for removal of payments by absent parents who are themselves on Income Support was ignored, despite universal condemnation of this payment by the voluntary organisations.

Some of the recommendations were of potential benefit to the parent with care, particularly in respect of verification of incomes (and therefore more efficient enforcement) and changes to improve the efficiency of the Agency. However, in spite of



calls from all the voluntary organisations concerned, there was no recommendation for the introduction of a maintenance disregard for those parents with care on Income Support. Nor was there support for the call for a guaranteed maintenance payment to those on Family Credit. The collective condemnation of the benefit penalty was also ignored.

The government White Paper *Improving Child Support* published in January 1995 (Cm 2745) was in response to the Social Security Select Committee report of October 1994. The most significant changes introduced have been covered in Chapter 12 and largely favoured the absent parent, often at little cost to the Treasury. This chapter seeks to analyse the most significant changes in the light of protests seen from absent parent groups and voluntary organisations.

## **15.2 For the benefit of the absent parent**

### **REDUCING ASSESSMENTS**

The changes introduced increased the regressive nature of the formula, substantially reducing the assessments of better-paid absent parents. For the benefit of all absent parents, there were stipulations on the percentage of income retained, an increase in housing allowances and limited access to broad-brush allowances for property/capital settlements and travel to work

expenses. Voluntary organisations and protest groups had all called for increased help for poorer second families, particularly relating to work expenses, but the voluntary organisations were keen to *reduce* the regressive nature of the formula. It was the protest groups dominated by absent parents who called for less government involvement beyond basic benefit levels.

### DEPARTURES

A major concession to the original principles of *Children Come First* was the introduction of a system of departures, in effect allowing discretion to depart from the formula assessment, although in very limited circumstances. All the bodies included in the study had reservations about a strictly applied formula with no appeal mechanism for exceptional circumstances, although the voluntary organisations were concerned that a return to discretion in fixing assessments would work against the best interests of children and lead to inconsistent assessments.

Protest groups dominated by absent parents insisted that it was essential to have some form of appeal system or discretion applied through a mediation service or the courts, particularly relating to amounts of maintenance above benefit levels.

## ARREARS

The suspension of fees and removal of interest on arrears was of further benefit to the absent parent, as was the deferral of liability by eight weeks from the date of the MEF. Voluntary organisations had varied in their views of what was the best time to start liability, largely because of the inefficiency being seen in the work of the Agency. NACSA called for liability from date of assessment, as did NACAB. NCOPF felt that six weeks after the issue of the MEF was reasonable.

### **15.3 For the benefit of the parent with care**

#### MAINTENANCE CREDIT SCHEME

In *Improving Child Support* parents with care were offered a maintenance credit scheme to be introduced from 1997.

Although delayed (in contrast to the changes of benefit to the absent parent), this could be of some benefit to parents with care. However, design of the scheme means that the successful accumulation of credits is dependent on successful collection of maintenance. This of course means that if the Agency fails to collect the maintenance assessed, the parent with care loses out rather than the Agency.



#### **15.4 Discussion**

Few of the changes had the effect of increasing assessments for absent parents, although the government did introduce a higher rate of interim assessment for cases where a Child Support Officer believes that an absent parent has accepted the interim assessment in the knowledge that his full assessment would be higher. This was intended to force high earners into providing sufficient information to enable a full assessment to be made. This was only ever likely to apply to a very small number of absent parents but was nevertheless an attempt to prevent better-paid absent parents deliberately avoiding their full commitment.

This desire to force compliance from a limited number of better-off absent parents stood in contrast to a change in the rules affecting most absent parents. The government decided that from April 1995 IMAs should be converted to full assessments once information was provided by the absent parent. This was a small paragraph in the White Paper, but had the effect of reducing arrears to the Agency at a stroke.

For the absent parents it could be seen as a major victory and in fact to some degree removed the purpose of the IMA. From the date of the change there would be no particular urgency for



absent parents to co-operate, as their debts no longer accrued interest and were likely to be substantially reduced whenever the final assessment was reached. NACSA had gone further in calling for the total abolition of IMAs and DEOs, which was not achieved. NACAB was concerned at the poor enforcement record of the Agency, and the resulting unreliable income for parents with care, but was also concerned at problems of debt for absent parents. NCOPF on the other hand decisively called for greater use of these powers, to force compliance by absent parents.

This concession to absent parents who eventually co-operate could be contrasted with the benefit penalty imposed on parents with care who fail to show good cause for non-cooperation. Deductions under these rules are not refunded if the parent with care later co-operates. Furthermore, the amount of deduction of benefit and the time over which the penalty could be applied were subsequently increased.

Further confirmation of the government desire to push home the need for parental financial responsibility for children, even in the poorest households, came in the fact that there was no move to abolish the minimum payment for the poorest absent

parents. The voluntary organisations had been unanimous in calling for this change.

NACSA were more concerned with higher earning absent parents and second families, neither category being affected by the minimum payment. However, absent parent dominated protest groups did point out that some low-paid absent parents were paying less under the Agency's formula than they had been under Liable Relatives Units agreements or old court orders. These groups also expressed concern that there were still many absent parents avoiding payment altogether, which was seen as unjust when those who had already been paying something (even if a low amount) were being pursued by the Agency. It seems that sympathy for the low paid absent parents in these groups was limited.

It should also be noted that the effects of some of the other changes introduced by the government following the White Paper were to be borne by the parent with care - reducing the amount of assessments due to the parent with care not in receipt of benefit meant an absolute reduction in income for the parent with care. For those receiving Family Credit or Disability Working Allowance, the government further ruled that they would only receive partial compensation where their

maintenance was reduced by the changes. Thus, where the changes reduced maintenance assessments in these cases, the absent parent would pay out less, but the parent with care was expected to stand half of the loss herself, until reassessment of her six-monthly claim for Family Credit or Disability Working Allowance.

A further blow to those seeking to support parents with care on low wages came from the fact that there was no move towards a maintenance disregard for Income Support or guaranteed maintenance for those parents with care on Family Credit. To the disappointment of all those arguing for a better deal for the parent with care, nor was there a positive response to the protests against the benefit penalty, or any protection for those losing passported benefits.

It therefore seems that the protests of the absent parent campaign groups were more successful in influencing government policy than those of the voluntary organisations. Although some of the changes were welcomed by the voluntary organisations, particularly where they related to poorer absent parents and the effects on second families, the recommendations concerning parents with care were largely

ignored. The following paragraphs examine what the government *didn't* include in the White Paper.

#### **15.4.1      The Benefit Penalty**

The main recommendations of the voluntary organisations had included a unanimous call for the abolition of the benefit penalty. In fact the amount and duration of the penalty were increased in April 1995, when it was raised to a maximum of £9.30 per week for six months and £4.65 per week for a further year. The result of this was to increase the poverty of the children in the affected households, and the voluntary organisations attempted to point out that the suffering being imposed on such families continued to attract little attention from the media or in parliament.

Meanwhile, NACSA actively encouraged parents with care to accept the benefit penalty rather than seek a full assessment. In newsletters and at meetings it was repeatedly emphasised that withholding authorisation was not fraud and that a voluntary agreement between the parents was to be commended. Fraud occurs where the parent with care fails to disclose income being received, from whatever source. If she was claiming Income Support and failed to declare payments being made by the absent parent, she would be making a



fraudulent claim. However, the act of agreeing to refuse authorisation in itself is not against the law, and NACSA was keen to publicise this fact.

In spite of the evidence presented by all the voluntary organisations of the harm being done by the benefit penalty, the government refused to remove it. Although it did call for a review of Agency practice connected with the penalty, the Social Security Select Committee seemed more concerned that the operation of a benefit penalty was encouraging collusion between parents and subsequently increasing the likelihood of fraud by the parent with care. The Chairman of the Select Committee raised the question of fraud repeatedly in discussions on the numbers claiming exemption, in spite of evidence put forward by NCOPF and CPAG that the figures for women claiming “good cause” were in fact in line with predictions of expected numbers of separations involving violence or the threat of violence. What remained unclear was the extent to which parents with care were simply refusing to return MAFs or supply information, without claiming exemption as such. Even if this information was made available, it would still be impossible to say why the parent with care had decided not to co-operate; this does not necessarily mean the parents are colluding or that some other fraud has been uncovered.

#### **15.4.2      A Maintenance Disregard**

Another often-repeated recommendation of the voluntary organisations was the introduction of a maintenance disregard for those on Income Support, to give some real gain to the parent with care and to encourage the co-operation of both parents. This was put forward as a positive alternative to the benefit penalty.

Again, the government failed to accept the arguments put forward so clearly by NCOPF, CPAG, NACAB and Gingerbread, but maintained that such a disregard would increase the poverty trap for those on benefits at great expense to the Treasury. It could be argued that this confirmed the Conservative government's true concern with public expenditure rather than the welfare of children, particularly those in the poorest households.

On this occasion, the Social Security Select Committee again rejected the call for a disregard although some members of the Committee were by this time in favour of the change.

### **15.4.3      Guaranteed Maintenance for the Low Paid**

All the voluntary organisations concerned with the poverty of lone parent families called for a guarantee of maintenance for those parents with care seeking to work but still low paid enough to qualify for means-tested benefits. Failure to guarantee maintenance for this group meant that families could suffer real poverty if maintenance ceased but Family Credit could not be quickly adjusted in response.

The government failed to accept the arguments put forward, in spite of the fact that this could have acted as an incentive to work for parents with care. To accept such a guarantee would to some degree have accepted society's obligation towards the support of children, an obligation which *Children Come First* sought to minimise. To reject such a guarantee was to confirm that in fact the Treasury came first.

Despite evidence of hardship for this group of parents with care, the government of the day decided that where maintenance assessments were reduced through amendments to the formula, the parent with care would only be partially compensated. This was a further example of Treasury considerations coming before the welfare of the children of low income families.

For absent parent households on Family Credit, the government continued to ignore voluntary organisations' recommendations that maintenance payments should be allowed as expenditure or that Family Credit should be ignored in calculating maintenance assessments. Again, potential costs to the Treasury over-rode the needs of the poorest families.

#### **15.4.4 Minimum Payments by Absent Parents**

All the voluntary organisations called for the abolition of the minimum assessments given to those absent parents who were themselves on Income Support. It was argued that insisting on such payments was of no benefit to children but merely served to increase the poverty of the absent parent. However, the government continued to insist that the minimum payments were necessary to establish the financial responsibility of the absent parent.

The evidence presented which showed that relationships between absent parents and their children could be seriously damaged by this payment, resulting in fewer visits or a cessation of contact altogether, was not seen as over-riding the financial responsibility argument. Nor was NACAB evidence of problems of debt for absent parents on Income Support. This again confirmed the accuracy of criticisms levelled at *Children*



*Come First*, that the government's only concern was with financial responsibilities of parents (particularly where they involved the taxpayer) and that the welfare of children was not in fact the paramount consideration at all.

### **15.5 Children Come First?**

Overall, it could be argued that neither the Social Security Select Committee nor the government in *Improving Child Support* properly considered the effects of their recommendations on children. If they did recognise the potential harm to children, they chose to ignore it.

Absent parents and the financial position of second families were favoured in the changes, although problems still arose for second families in that a three-tier system of maintenance continued and was exacerbated by the deferment of cases. For example, a "reconstituted" family could find that the father is obliged to pay under the **Child Support Act** to his first ex-partner who is on benefit, whereas his second partner may still be unable to get a maintenance assessment for the children of her first partnership.

If there is a "third" family involved, the situation can become even more complex. For example, a father supporting a third

family (not necessarily his own children) could be forced to pay an Agency assessment for his children living with his first ex-partner because she applies for benefit. He could then find that his second ex-partner is not entitled to an Agency assessment because she is not benefit-dependent and there has been a previous agreement. This could result in the father being unable to offer his second ex-partner (and the children living with her) the support he had previously agreed to, because of the Agency's insistence on payments to the first ex-partner (and the children she has care of). This arises purely from the benefit or non-benefit status of the former partners, and does not take into effect the actual outcome for the welfare of the children involved in any of the current households. The result could well be the removal of state benefits from the first ex-partner, at the direct expense of the second. To seek recompense, she would have to seek the help of the courts. Alternatively, the second ex-partner may be forced into giving up her employment and seeking state benefits herself.

Those children who stood to gain most from the **Child Support Act** were those where the absent parent was relatively high-earning, particularly if the parent with care also worked. Indeed, *Children Come First* supported the principle that children should continue to share in the increasing prosperity of

the absent parent. This principle was later compromised by the reduction in the additional element, substantially reducing payments by better-paid absent parents. Other changes in the formula, for example a reduction in the carer element as the child gets older and the introduction of the departures system and broad-brush allowances for property/capital transfers also had the potential to reduce payments. But by far the biggest effect on better-off parents and their children came in the deferment of non-benefit cases where there was a maintenance agreement in place before April 1993.

In conclusion, it could be argued that the aim of the changes introduced was to silence the most vociferous critics, particularly better-paid absent parents. The welfare of children was not the major consideration, nor was offering support to poorer parents.

It could also be argued that the changes extended the Agency's link to the benefits system. Indefinite postponement of non-benefit, pre-1993 cases confirmed this link, whilst moving further away from the *Children Come First* principle of consistent, formula-based maintenance assessments for *all* children not living with both their natural parents.

Thus, it could be said that the absent parent lobby were, overall, more successful in obtaining outcomes in their favour. Those voluntary organisations lobbying in support of poorer families and parent with care households were generally less successful. As explained in Chapter 6 when examining the initial system and formula, the Conservative government managed by and large to effect changes which supported its ideological viewpoint, and which did not have major cost implications for the Treasury. Later amendments continued this emphasis but at the same time the government effectively quietened the noisiest opposition.

The following chapter looks at the period October 1995 to April 1996, analysing the changes introduced by the government during that time and again assessing where lobbying activities and protests appear to have succeeded and where they failed.



## **CHAPTER SIXTEEN**

**October 1995 – April 1996**

### **16.1 Introduction**

Parliamentary investigations into the Agency continued throughout 1995 and 1996, including the Parliamentary Commissioner for Administration and the Social Security Select Committee. However, no more major changes were made after April 1996 up to the change of government in May 1997. This chapter examines evidence given to the Social Security Select Committee by voluntary organisations and protest groups, the subsequent report, and the government's response to it. These are covered in less depth than previously because they resulted in only minor changes to procedures and regulations.

### **16.2 Evidence to the Select Committee, October 1995** (see HC 781-ii, 94-95)

Joint evidence was presented to the Social Security Select Committee in October 1995 by NCOPE, CPAG and NACAB. All groups also gave written submissions containing actual case

studies to illustrate the problems being highlighted, and the main points of these are examined briefly below.

#### **16.2.1 NCOPF Written Submission**

The NCOPF submission was substantial and highlighted the ways in which the Agency was failing parents with care. NCOPF pointed out that the rescheduling of arrears, to better suit the circumstances of the absent parent, was working to the detriment of the parent with care household. Even where the arrears had built up because of the lack of co-operation of the absent parent, the Agency could agree repayment schedules at a very low level and over a number of years, in some cases beyond the years of liability of the absent parent. This was often with no consultation with the parent with care.

Cases where the Agency had failed to use its investigatory powers to the full, with subsequent loss to the parent with care and child/ren were put forward as evidence, along with a recommendation that the Agency verifies information carefully and particularly reviews its procedures with regard to the self-employed.

On enforcement, the NCOPF presented evidence that DEOs were being inappropriately withdrawn leading to non-payment of

maintenance, and that there was still a reluctance on the part of the Agency to use all its enforcement powers. In some cases, this had delayed the payment of maintenance for a number of years.

The NCOPF pointed out that poor administration of the Agency and the resultant poor payment of regular maintenance was hindering the ability of the parent with care to seek employment. It was proposed that those applying for Family Credit and those wishing to return to work should have the option of being “fast-tracked” through the system. It was also pointed out that poor collection by the Agency would reduce the value of the maintenance credit scheme.

On the issue of “good cause” and the benefit penalty, the NCOPF reported that the Agency were, in the majority of cases, carrying out interviews in a fair and sensitive manner.

However, it did give details of incidences where Agency staff had misinterpreted or wrongly applied guidelines, mis-informed clients about their rights, or failed to record interviews properly. In all, the NCOPF made seven recommendations to improve the service offered to those claiming exemption.

Liaison between the Benefits Agency and the Child Support Agency was continuing to cause concern, resulting in parents with care being left with no income when maintenance fails. There was also a recommendation that Income Support cases should be able to remain “live” until the payment of maintenance was properly established.

In conclusion, the memorandum restated the NCOPF’s belief that certain other changes were necessary if the overall service was to improve. These recommendations included the payment of guaranteed maintenance for Family Credit claimants, and allowances to compensate for the loss of passported benefits.

Additional recommendations covered house repossessions, citing evidence that parents with care were having difficulty keeping their homes in cases where the absent parent was paying part of the mortgage. The recommendation was that if a parent with care can show that she and her children are likely to be made homeless as a result of the Agency making an assessment, then she should not be required to co-operate with the Agency.

Looking to the future, the NCOPF called for a change in the planned maintenance credit scheme so that the back to work



bonus could be paid even where the Agency have failed to take appropriate enforcement action to collect the maintenance due.

### **16.2.2 CPAG Written Submission**

The CPAG stated its belief that the Agency continued to fail a large number of its clients. The memorandum drew particular attention to delays in making assessments, problems of paternity investigations, inadequate review procedures, and poor collection of those assessments which had been made.

Clients had reported specific problems communicating with the Agency and a lack of quality information. There was also concern that personal information was not adequately protected.

Other administrative errors were reported including problems of liaison with the Benefits Agency and Employment Services and ineffective changes in procedures. Concern was also expressed at the large number of errors found in assessments.

On the benefit penalty and requirement to co-operate, the CPAG repeated its concern that the focus was on collusion and fraud, and not on the large numbers of children being forced to live below Income Support levels. CPAG claimed that collusion and

fraud concerns were largely anecdotal and undocumented and that to act on them would be inappropriate, and included in its submission a detailed review of the procedures.

Interestingly, CPAG evidence questioned figures put forward by the Agency itself, about the levels of assessment being applied and the extent to which the Agency was now collecting maintenance. It also questioned the wisdom of indefinitely deferring non-benefit, pre-1993 cases, which would all have been voluntary applications.

### **16.2.3 NACAB Written Submission**

NACAB's submission was again based on actual cases presented to bureaux. In the year 1994-95, CABx dealt with 80,000 problems concerning child support, from both absent parents and parents with care and the NACAB submission reported that there were still serious problems with the Agency, in spite of changes introduced and previous investigations.

Of particular concern to NACAB was the high proportion of errors being seen in assessments, and the admission by the Agency and the government that there would always be a high level of error because of the number of parties and calculations involved. NACAB did not see this level of inaccuracy as

acceptable in a public service, and called for a re-think on the formula to simplify the calculation. There was also concern that the Agency often failed to respond when an error was pointed out to them.

Bureaux had reported many cases of delayed reviews and appeals, and resultant inappropriate enforcement action. There was little evidence that changes introduced following the government's White Paper in January 1995 had led to any real reduction in delays for those seeking a review. Again, NACAB reported that it was often the complexity of the formula which caused the problems.

On debt recovery and enforcement action, NACAB reported continuing problems for parents with care who were frustrated and angry at the apparent lack of enforcement action by the Agency. NACAB expressed the view that this frustration and anger was in some cases misdirected, and the delay in payment should more properly be attributed to the absent parent. In this regard, the lack of information given to parents with care exacerbated the belief that the Agency was itself doing little. In spite of the recommendation by NACAB, made after just one year of operation of the Agency, that parents with care should be properly informed of progress, this still did not happen.



For absent parents too a lack of information could cause difficulties. Within the Agency itself, the inability of one department to inform another was causing problems, with inappropriate enforcement when a review was taking place for example. NACAB was concerned that with administrative procedures in such disorder, the Agency should not apply IMAs and DEOs too readily.

Communication difficulties were further illustrated, particularly relating to caseload within the Agency and the lack of a specific case-worker to answer an individual's queries.

In conclusion, NACAB expressed concern that the introduction of the departures system had the potential to further complicate the system and clog up the administrative machinery still further.

#### **16.2.4 Oral Evidence to the Committee**

**25th October, 1995**

NCOPF, CPAG and NACAB gave joint evidence to the Select Committee. Areas discussed were broadly those covered in the written submissions. The Committee acknowledged that the



protests of the absent parent lobby had died down, but that the problems of the Agency had clearly not gone away.

Communication difficulties, including a lack of information for clients were highlighted, particularly in respect of the information a parent with care may need to accurately judge whether or not to return to work. This lack of information also made it difficult to tell if any failings were the fault of the Agency or the absent parent. Functionalisation within the Agency was again highlighted as a common cause of difficulties of communication.

On exemption and good cause, the voluntary organisations again stressed that research had shown that the number of separated women saying that domestic violence had been a factor in their previous relationship was similar to those parents with care claiming exemption. The Chairman repeated his belief that there was widespread fraud in the Social Security system and that the exemption for “good cause” was being abused by some. CPAG representatives were particularly concerned that there was no evidence to support such a claim and that to remove the exemption would endanger parents with care.

There was also support amongst those giving evidence for the principle that parents with care choosing to not return the MAF should be allowed to do so, without the need to claim exemption, but suffering the benefit penalty. The numbers exercising this right could not be separated from those actually claiming exemption.

The issue of fraud and collusion took up a considerable proportion of time in the discussions, with the Chairman pointing out that a disregard would increase the amount the absent parent would have to offer as part of the deal to persuade the parent with care not to co-operate with the Agency.

Problems of enforcement were again discussed, as were difficulties created for parents with care who suffered fluctuating payments, and consequently found it difficult to stay in work or to get continuity of income from the Benefits Agency.

#### **16.2.5 Further Evidence to the Committee**

The Select Committee also heard evidence from the South Yorkshire Campaign Against the CSA. Although a separate organisation from NACSA, this group did fully endorse the alternative child support system proposed by NACSA, and

claimed to represent over 400 families. [The researcher also obtained documents which showed that this group had been involved in various activities designed to disrupt the running of the Agency, including advising absent parents on how they might delay assessments.]

This group also submitted written evidence to the Committee and used examples of real cases to illustrate the points made. The conclusion was that the Agency was failing to deliver an effective service for parents with care and children, but that other costs of the system were such things as increased alcoholism, depression and suicides amongst absent parents.

In oral evidence, it was acknowledged that the loud protests of the absent parent lobby had largely died down, but that problems had not gone away. The representatives of the protest group persisted with the claim that the formula needed adjusting, to make it “fairer” in order to be accepted and to gain the willing co-operation of absent parents. This usually meant reducing assessments, although not always. It was noted by the group that some absent parents were being asked to pay less than they had under Liable Relatives Unit arrangements. This was seen by the group as unnecessary.



Particular concern was expressed at the belief that a two-tier system had developed under the Agency (although it is important to note that the NACSA White Paper to which this organisation gave its support would also create such a system). Concern was that the Agency's emphasis on benefit cases effectively prevented some parents with care from pursuing maintenance, which meant those earning enough to take themselves above benefit levels could not rely on the Agency to support them. This particularly affected second families.

On the formula, there was discussion on the appropriateness of including the carer's element, and the view was expressed by the protest group that state involvement should not go beyond Income Support levels, but that additional amounts should be agreed using mediation or the courts. Evidence again highlighted the difficulties of bitterness and hostility between ex-partners, and offered little constructive input into how the Agency or the formula might be improved.



### **16.3 The Report of the Social Security Select Committee**

(HC 50, 95-96, Second Report, "The Performance and Operation of the Child Support Agency")

#### **16.3.1 Agency Objectives**

This report was published in January 1996. Following a resumé of various investigations and reports into the Agency, the report offers the Committee's suggestions that the objectives of the Agency be re-written, as follows:

- “- reducing the cost to taxpayers of the social security bill for families left with only one supportive parent
- ensuring that children benefit from the Agency and that the payment of maintenance for children is the norm, not the exception
- combating fraud by two parent families in which both parties collude to feign separation or relationship breakdown and falsely claim benefits
- increasing the number of single parents who have the chance to earn an income from work in addition to their maintenance payments.”

(HC 50, 95-96, p. x)

#### **16.3.2 Criticism of the suggested objectives**

It should be noted that reducing the cost to taxpayers is put as the first objective; that children should benefit is the second.

By concentrating on reducing the cost to taxpayers, there could be a danger of not providing an appropriate service for those parents with care who are working in paid employment and

above benefit levels. This had already been seen in the deferment of pre-1993 non-benefit cases.

It could also be argued that a concentration on savings for the taxpayer merely shifts poverty from one family to another. It was acknowledged in *Children Come First* that the low-paid are over-represented amongst absent parents. If the absent parent is on a low wage and supporting a second family, his income is currently protected, by the “protected level of income” and the maximum take of net income. It is important that this protection is maintained for the low paid, and that emphasis on costs to taxpayers does not result in poverty for both families and a disincentive to work.

The second objective, ensuring payment of maintenance for children is the norm, not the exception, may mask the fact that many payments are at the minimum level. Indeed, the report acknowledged that 45% of full assessments at the time were for £2.35 or less. This does not ensure that children benefit from the Agency. In fact, with no disregard of maintenance for Income Support claimants, children in those families do not gain at all (except theoretically in the long term, if securing regular maintenance helps future prospects of the parent with care returning to work). Many families also lose “passported

benefits” when maintenance payments take them above benefit levels. The standard of living of such families can therefore be reduced to below Income Support levels - the first two objectives could be achieved by actually reducing the already-low standard of living for many lone parent families.

The second objective also makes the assumption that insistence on maintenance is always in the best interests of the child.

Voluntary organisations produced strong evidence disputing this.

The third objective illustrates the Committee’s (and particularly the Chairman’s) obsession with fraud. Whilst there is obviously a need to combat fraud, it is also important to consider the other reasons people may have for withdrawing their application for maintenance. It cannot be assumed that all cases of parents with care withdrawing maintenance applications have been because they are defrauding the Social Security system. Ann Chant acknowledged in her evidence that the couple may become reconciled, the parent with care may get a job, or the parents work out a mutually acceptable agreement amongst themselves without the involvement of the benefits system.



The final objective, increasing the number of single parents who have the chance to earn an income from work in addition to their maintenance payments, could only succeed with supporting policies such as good quality and affordable childcare, and training or educational opportunities for lone parents themselves. As well as the Agency addressing the problems of enforcement and collection already identified, related government departments would have to play a part. For example, Family Credit rules would have to guarantee maintenance for parents with care seeking low-paid employment, and the benefits system as a whole would have to respond more flexibly to the temporary, low-paid and insecure nature of employment.

Whilst these objectives can be criticised, they were in fact supportive of the original principles of the **Child Support Act**. They did however illustrate the limited extent to which the evidence of the voluntary organisations had influenced the Committee during the various discussions over the intervening years.



### **16.3.3 Recommendations of the Select Committee**

#### **Report, January 1996**

The report went on to make a number of recommendations for improving the administration of the Agency.

#### **ARREARS**

The Committee recommended that the Agency should move quickly to apply IMAs and DEOs in cases of non-cooperation. However, it went on to recommend that in all pre-April 1995 cases where a full assessment had been made, existing IMA debt should be reduced to the level of debt owing on full assessment. This latter recommendation negated the punitive nature of the IMAs but had the effect of reducing the level of arrears owed to the Agency although this change was already in place for post-April 1995 arrears.

To help reduce the level of arrears building up whilst assessments were made, the report recommended that the Agency established a system to collect some maintenance from absent parents prior to assessment being made. It further recommended that assessments should be speeded up where the parent with care wished to take up employment or was claiming Family Credit. These were areas specifically highlighted by NCOPF and CPAG.

## INVESTIGATORY POWERS

The report recommended that the government should give the Agency authority to work more closely with the Inland Revenue to determine levels of income, particularly for the self-employed. Powers could also be increased to require production of all documents needed in the assessment and enforcement process, with appropriate sanctions. Again, investigatory powers had been specifically mentioned in evidence from NCOPF and CPAG.

## ADMINISTRATION

Several recommendations suggested improvements in administrative procedures. These covered change of circumstance reviews; the implementation of Complete Action Service Teams; the provision of more information for clients on the current progress of their assessment and the extent of payments made by absent parents; where possible improved procedures to ensure confidentiality of information on appeal, or increased awareness that confidentiality may be broken if a case goes to appeal. These recommendations could all be traced back to evidence from the voluntary organisations.

## FRAUD

The Committee called for greater liaison between the Child Support Agency and the Benefits Agency with joint initiatives to tackle fraud and a quarterly report on the action taken in this regard.

The report also recommended:

“... that it should be the norm in this country for the police to be informed if exemption is being sought because of violence or the threat of violence, although we recognise that a degree of discretion would be needed in individual cases.”

(HC 50, 95-96, p. xxvii)

This recommendation ignored the CPAG evidence that numbers claiming exemption were as expected in view of research carried out in the field of domestic violence. It also failed to recognise sufficiently the huge burden this would place on those suffering domestic violence and the potential harm which could be caused. This was a clear example where pursuing the objectives put forward for the Agency could do real damage to a lone parent and her children. The recommendation came despite no clear evidence that claims for exemption because of violence were being used inappropriately. (See Marsh et al 1997 for

research on numbers citing some physical violence within their relationship.)

#### **16.4 The Government Response**

(Cm 3191, April 1996, “Child Support”)

##### **ARREARS**

The government responded to the recommendation that IMAs and DEOs should be used quickly in cases of non-cooperation by giving actual figures for the Agency’s use of these procedures over recent months. These showed that the use of DEOs had been increased significantly, evidence that the Agency was making efforts to improve enforcement.

The use of IMAs, on the other hand, had decreased significantly. This was seen by the government as positive as there was a corresponding increase in the number of full assessments made.

On reducing initial arrears, the government accepted that absent parents should be encouraged to pay something whilst their assessment was being calculated, and confirmed that the Agency was seeking ways to do this. The provision of notional accounts was, however, ruled out.



The government felt that the recommendation that all pre-April 1995 IMA debts should be reduced to full assessment rates was unworkable, although there was confirmation that many early IMAs would contain defects which could lead to their cancellation. For those which could not be subsequently removed due to such defects, the government proposed a review to ascertain what proportion of this debt is likely to be uncollectable.

### INVESTIGATORY POWERS

The government welcomed the recommendations about extended investigatory powers and confirmed that a review was in progress. As further evidence of the government's determination to pursue the self-employed absent parent, it also confirmed that new legislation was being drawn up to enable Agency debts to be entered in the register of County Court judgements.

### ADMINISTRATION

With regard to change of circumstance reviews and the implementation of the CAST system, the government responded with details of new procedures currently being introduced.

On provision of information to clients, the government confirmed that it was exploring the possibility of issuing case updates as well as looking at ways of providing statements through a new computer system.

Confidentiality of information was covered in the government response, with details of regulations being brought in to offer greater protection where it was necessary, but allowing for the disclosure of details where this was felt relevant.

### FRAUD

The government confirmed that the battle against fraud was a top priority, and that the Child Support Agency and the Benefits Agency were working closely together to ensure cases of fraud against the benefits system were dealt with quickly and effectively.

Also confirmed was the government's intention to increase the amount of the benefit penalty and its duration, as well as its intention to ensure that such penalties were imposed more rapidly.

The Committee's recommendation, that claims of exemption because of violence should be reported to the police, was not

accepted. The government response pointed to the difficulties of discretion in this area, particularly if relatively junior officials were given the task of making decisions which could have the potential of increasing the risk of violence to the parent with care or child.

### **16.5 Discussion**

The objectives for the Agency put forward by the Select Committee seemed to pay little heed to the evidence presented by the voluntary organisations over the years. However, on this occasion the recommendations put forward did reflect some of the concerns of these bodies. The recommendations which stood out as at variance concerned the removal of IMA debts and the involvement of the police in claims of violence. As it turned out, the government of the day failed to support the latter, although it was seeking ways to allow the former.

Once again, the Select Committee and the government failed to respond to some major concerns, particularly relating to poorer parents with care. There was still no move to guarantee maintenance for anyone other than those on Income Support and no compensation for loss of passported benefits. Nor was there any move towards allowing parents with care to opt out if they thought this was in the best interests of the child, with the



benefit penalty confirmed as the government's chosen form of coercion.

This investigation was largely on administrative matters and the evidence given by NCOPF, CPAG and NACAB was apparently heeded by the Select Committee and the government. On this occasion the evidence presented by the absent parent protest group was not reflected in the final report or the government's response. Specifically, the three-tier system remained. This continued to prevent some parents with care in second families from making claims against former partners. However, it also prevented a whole new wave of protest from absent parents coming into contact with the Agency for the first time. Given the continued inefficiency of the Agency, the limited effect on Treasury expenditure, and the approaching general election, moving towards universal coverage was clearly seen by the government as of low priority.

Overall then, the voices of NCOPF, CPAG and NACAB were on this occasion heard. The changes instigated were, however, relatively minor. Calls for more radical amendments to the system of child support continued to be ignored.



The following chapter examines further research into the effects of the Agency and whether the ideological underpinnings behind the policy were in fact being addressed in practice. The chapter then looks at how political parties viewed the Agency's future as the 1997 election approached and how the ideologies and policies of the New Labour government compared with those of the Conservative governments from 1979 to 1997.

## CHAPTER SEVENTEEN

### 1997 and beyond

#### 17.1 Introduction

This chapter looks at the actual, practical effects of the **Child Support Acts** and the Child Support Agency. Against these outcomes, the manifesto pledges made by the main political parties in the May 1997 election are considered.

Following their successful rise to power, the policies of the New Labour government are set out, with an analysis of how this government's priorities compare with those of the previous administration.

The chapter concludes with suggestions for improving the system of child maintenance. As the work was completed before the Labour government had produced its Green Paper on reform of the Agency (expected by Easter 1998), it is impossible to say whether any of these changes are likely to be implemented.

## **17.2 The Effects of the Child Support Acts**

Research into the practical effects of the Child Support Acts and the involvement of the Agency in people's lives began to be undertaken within months of the Agency's operationalisation.

This chapter brings together the results of three studies:

Marsh et al, 1997, *Lone Parents, Work and Benefits*

Clarke et al, 1994, *Losing Support*

Clarke et al, 1996, *Small Change: the impact of the Child Support Act on lone mothers and children.*

### **17.2.1 Numbers receiving maintenance**

The Marsh study showed that despite the Agency's existence there had been little improvement in the numbers of lone parents receiving maintenance. The study was carried out after the Agency had been in operation for 18 months. The data showed that between September and December 1994, the proportion of lone parents with an agreement to receive maintenance payments remained the same as in previous years, at 43%. It was also noted that the proportion actually receiving maintenance payments also remained unchanged, at 30%.

In January 1998, Harriet Harman (Secretary of State at the Department of Social Security) was quoted as saying that two-thirds of fathers were either paying sporadically or not paying at all (Observer, 11<sup>th</sup> January 1998).

### **17.2.2 Relieving Poverty**

Marsh et al found that maintenance payments **did not** significantly reduce the risk of hardship, nor improve family welfare, independent of other factors.

Clarke et al (1994) concluded that there was no evidence of gain for children in the families looked at, from the intervention of the Agency. There was, however, evidence of children losing out financially, mainly through the loss of informal help such as days out, clothing and shoes, extra treats which used to be provided by the absent parent but which had been withdrawn or reduced since Agency involvement. The report concluded that in fact the children were losing out more than their mothers, as it was this informal provision directly to the children which was being withdrawn.

Similarly, Clarke et al (1996) found that **none** of the lone mothers in the study experienced any financial benefit at all, and a number suffered financial losses.



The level of assessments at February 1997 suggests that many parents with care receive relatively small amounts. The average final maintenance assessment at February 1997 was £21.39 per week. If those assessments of £0.00 were removed, this average increased to £35 per week (CSA Statistical Information, March 1997). It is of course also relevant that more than a third of absent parents failed to make any payment into their maintenance accounts in the three months prior to June 1997, with more than half of the absent parents on the Agency's books in arrears and less than one-third fully complying with orders (Observer, 15<sup>th</sup> June 1997). Whilst this situation pertained it was unlikely that lone parents were being removed from poverty by maintenance payments.

### **17.2.3 Increasing incentives to work**

The Marsh study came to rather optimistic conclusions regarding increased incentives to work, seeing maintenance payments as having “the potential to transform [lone parents'] opportunities and family welfare”.

Clarke's 1994 study was inconclusive on this aspect. It was not clear whether incentives to work had improved since the start-

up of the Agency, with Family Credit still seen as too inflexible and childcare problems not being addressed adequately.

However, the 1996 Clarke study showed no increased incentives. It found that the new system was not helping lone mothers into work because: they were still in the benefits trap, with no guarantee of maintenance under Family Credit or earnings beyond means-tested benefits; there was a general lack of confidence in the Agency; there was little help in overcoming other barriers to work.

#### **17.2.4      Damaging Relationships**

One of the claims of *Children Come First* was that removing the maintenance issue from divorce proceedings would reduce animosity. This would happen because the amount of maintenance would no longer be used as a bargaining tool between separating parents. However, research has clearly shown that intervention by the Agency can be very damaging to relationships.

Clarke's 1994 study showed a definite deterioration in relationships. This manifested itself in several ways. Not only was contact often reduced, but the quality of that contact was also adversely affected. Relationships with second partners of

the absent parent were particularly affected, and this could result in hostility towards the first partner or the child. Also having an adverse effect on the children was the higher levels of stress created by the Agency.

Similarly, the 1996 study concluded that the Agency did not act as a buffer between ex-partners as originally suggested in *Children Come First*, but in fact had served to increase animosity. Where there had been contact and maintenance already in payment, the intervention of the Agency had created or increased acrimony. This was in part put down to poor wording of Agency documents, for example the MEF which states “the Agency is acting on the mother’s behalf”, in spite of the fact that the mother had little choice in the matter and may not have wanted the intervention.

On the other hand, fears expressed that the involvement of the Agency may encourage absent parents to make unwanted contact had not materialised. Lone parents not wanting contact with ex-partners would be relieved at this; if the intention of the government was to encourage involvement of the absent parent in the life of the child then this clearly failed.



There was *no* instance where enforcement of maintenance had resulted in a father re-establishing regular contact with his child. But the Act might prove a deterrent to establishing stable “second” families.

The research found that the Act was most likely to have material and/or emotional repercussions on relationships between children and fathers where a maintenance assessment resulted in a significant increase in the level of child support. For some, the increased assessments meant contact was harder to sustain, financially and emotionally.

On the obligation of natural parents to support children, the research showed that the mothers interviewed felt this was not always straight-forward. The decision to enforce a liability to maintain should be left with the parent with care, as it would be for non-benefit mothers. It was stressed that social as well as biological relationships should be considered. Financial obligations, the report concluded, were part of a “complex web” of obligations which were not wholly addressed by the Act.

On changing the culture, several mothers thought the Act may discourage men from acknowledging paternity, undermining the establishment of permanent and secure relationships. It was



also reported that some mothers felt that the Act would make it harder to establish new relationships, where one of the parties had financial obligations for children by a previous relationship.

It was clear from research, from Agency data and from the continuing level of deliberate obstruction towards the Agency that the reforms introduced had not brought about sufficient improvements either in the Agency's performance or in the outcomes for parents. This was the situation in 1997 as an election approached.

#### **17.2.5 Ideology still rules OK?**

Waine, in her work on pensions looked at whether it could be argued that the actual effects of the policy were at variance with the underlying ideological objectives which exerted a considerable influence over the creation of that policy (see Waine 1995). Similarly, with knowledge of the reality of the child support policy, and the earlier references to the ideology behind the policy, it is possible to assess whether the actual effects support or are at variance with the ideological underpinnings of the policy.

Earlier chapters gave the ideological underpinnings as reducing government expenditure and stressing "family values".

Evidence from the research into the actual outcomes for those involved with the Agency suggest that the system has not yet become efficient enough to remove significant numbers from benefits (even where the income of the absent parent allows for this). Nevertheless, the Agency does claim to be responsible for large amounts of money changing hands between parents. It is of course impossible to say how much of that would have happened anyway under the old system.

Encouraging lone parents into employment as a way of reducing government expenditure has not been successful. There is little evidence to suggest that the Agency's intervention has encouraged take up of paid employment by lone parents (the only exception being in the Marsh study which concluded that some poorly educated lone parents might be encouraged to take up employment through the receipt of maintenance). Other research pointed to poor liaison between government agencies and interaction of various benefits systems making lone parents reluctant to leave the relative security of Income Support.

It has also been suggested that the situation with regard to work incentives is in fact rather different from the picture put forward by the government. Clarke et al (1996) suggested that

rather than the receipt of maintenance encouraging lone parents to seek work, it is those who are already in paid work who are given an incentive to claim child support. It would therefore seem inappropriate to strengthen the link between the Agency and benefit-dependent parent with care households.

Given the figures available showing the continued reluctance of absent parents to pay assessments in full and consistently, neither ideological aim would appear to be being achieved to any great degree.

There is no evidence to suggest that absent parents are seeking renewed or increased contact with their children. Conversely there is evidence to suggest extra difficulties in maintaining contact and increased pressure on relationships between ex-partners, between parents and children, and between children and step-parents.

Whilst there is no evidence to suggest a slowing down in the rate of divorce, nor any reduction in the number of births outside marriage, there is evidence to suggest that the policies introduced are creating disincentives to form “reconstituted” households. Therefore the ideological desire to encourage



“family values” may be having the opposite effect and the intervention of the Agency may be *preventing* family formation.

### **17.3 The General Election of 1997**

#### **17.3.1 The Liberal Democratic Party**

The Liberal Democratic Party was the only party committed to abolition of the Agency and repeal of the Act. After a number of years offering unclear and often conflicting views, by April 1997 the party had come to the conclusion that this was the best way forward.

Although stressing the belief that parents should financially support their children at an appropriate level, this party expressed a preference for a family court system with a more flexible formula.

This family court system for cases of dispute between the parents was to be backed up by several other measures to help families. “Good parenting” was to be promoted through parenting classes. Parents’ return to work was to be encouraged by the provision of extended tax relief for nursery care, backed up by a national childcare strategy. Flexible



working patterns were to be encouraged, with an extension of statutory rights to parental leave for both parents.

The help offered to families was further enhanced by a commitment to radically overhaul the social security and tax systems. The Lib Dems' manifesto briefly set out plans to replace Income Support and Family Credit with a simpler, more efficient Low Income Benefit to help people back to work. This new benefit was to run along side an increase in tax thresholds, which would remove nearly 500,000 low earners from income tax.

### **17.3.2 The Conservative Party**

Parts of the Conservative party manifesto could have been written as a criticism of the **Child Support Act**:

“Good preparation for marriage can be an important aid to a successful family, while timely help in meeting difficulties can often avoid family breakdown. These are matters for voluntary efforts, not the state, but we will continue to support such effort.

“We need to make sure efforts to help struggling families does (sic) not turn into unnecessary meddling.

“When the state goes too far, it is often the children who suffer. They become victims of the worst sort of political correctness.”

Although this part of the manifesto was concerned with Social Services and the implied over-interference of social workers in family life, it stands in direct contradiction to the workings of the **Child Support Act**. The compulsion for those parents with care seeking benefits mean struggling “first” families have no choice about using the Agency - clearly the commitment to make sure efforts to help struggling families do not turn into unnecessary meddling does not apply to those in need to income support. The design of the formula can mean that struggling “second” families are put under further pressure by the lack of discretion in the formula - the Act and the Agency have thrown up many thousands of examples where both parents feel there is “unnecessary meddling”, for example overturning previous voluntary agreements with which both parents were perfectly happy, and around which second families had built their lives. Clearly this lack of meddling in the affairs of families only applies so long as those families do not rely on state help with their income. The conclusion must therefore be that the poor need more meddling than the better-off.

On benefits, the Conservative manifesto pledged to maintain the value of Child Benefit and Family Credit, but pointed to a cut in benefits for lone parents, to bring them into line with

those available to two-parent families. This cut for lone parents would be supported by “continuing to help lone parents obtain maintenance”, with no further details on how this might be achieved and no mention at all of the Agency.

The emphasis was placed on encouraging lone parents into work, with assistance with childcare costs and piloting of the “Parent Plus” Scheme, offering unspecified help to lone parents who want to work. This was in direct contrast to help offered to two-parent families, who were offered a tax incentive for one parent to remain unemployed. The pledge was to allow one partner’s unused personal allowance to be transferred to a working spouse where they have responsibility for dependent children or relatives.

Whilst the manifesto itself did not mention the Act or the Agency, a Conservative Research Department leaflet on Social Security - Key Facts issued in January 1997 claimed:

“The Child Support Agency ensures that more absent parents bear more financial responsibility for their children and is now operating very efficiently.”



In spite of evidence that there were still many problems with the Agency, the Conservatives were clearly committed to continuing with the existing policies.

The ideological underpinning of the Act and the Agency, with the aims of reducing public expenditure, encouraging employment of lone parents and supporting “traditional” family forms, were clearly evident in the plans of the Conservatives should they have been successful in the election of 1997. The extra tax incentive for one parent to remain at home full-time, when part of a couple, was a new emphasis on the traditional family. The removal of lone parent benefit for those not living their lives according to this ideal reinforced this.

### **17.3.3      The Labour Party**

The Labour party manifesto also failed to mention the Agency or the Act. The emphasis in this manifesto was helping lone parents return to work, with the pledge that “lone parents would be offered advice by a proactive Employment Service to develop a package of job search, training and after-school care to help them off benefit”, once their youngest child is in the second term of full-time school.



This emphasis on paid work was repeated in the section on “strengthening family life”. Here it was suggested that reducing the hours worked, ensuring holiday entitlement and limited unpaid parental leave would help balance family and working life. There is also a commitment to develop a national childcare strategy and (at least) maintain the level of Child Benefit up to the age of 16.

Press coverage during the campaign reported that the Labour party was planning radical reform of the Agency and would restore to the courts the power to set maintenance payments in certain cases. It was claimed in the Guardian on 25th April 1997 that the leadership was under considerable pressure from backbenchers and party supporters to introduce change. Yet the manifesto did not mention the Act or the Agency at all. The latest policy document before the election was a party conference paper released in autumn 1996 which proposed relaunching the Agency and linking it to the Mediation Service to be set up under the Family Law Act for divorcing couples.

#### **17.4 The First Months of the Labour Government**

The New Labour government came to power following the General Election of 1 May 1997. The first few weeks saw many

announcements of policy changes and the first budget, on 2 July 1997, confirmed some of the pledges made.

On the Agency, the government held a debate on 20 June 1997 and sought comments from MPs on their experiences of the Agency and their suggestions for improvement. The debate was well argued although as it was held on a Friday was not well attended.

Policy was also questioned, specifically the promise made by Labour in opposition to introduce a maintenance disregard. This was said to be under review by the new government but no firm commitment was made. The government also promised to consider all the points being made by MPs and to:

“ensure that all our policy thinking and development is based on reality so that we address the real issues that Members of Parliament confront”

(Hansard 20 June 97, col. 592)

The budget of 2 July 1997 promised a £200 million programme to help lone parents, under the “New Deal for Lone Parents”. Under this scheme, “all lone parents with children of school age will be:

- invited to their local Job Centre; and
- given a personal adviser, to assist them to develop an individual plan of action. The plan will cover how the lone parent:
  - can develop their job search skills;
  - sort out training; and
  - find childcare to help them into work.”

(DSS Budget announcement, 2 July 1997)

This programme was to begin in eight areas of the country from 21 July 1997 and be extended nationally from October 1998.

The budget went on to offer help with childcare costs, by improving the childcare disregard for Family Credit, Housing Benefit and Council Tax Benefit to a new maximum disregard of £100 a week for families with two or more children. This extended to children up to the age of 12.

There were also plans to improve the supply of trained childcare workers by up to 50,000 (over the lifetime of the Parliament) through the New Deal for the Young Unemployed, thereby increasing the availability of childcare places.

Money was to be made available under the Single Regeneration Budget for extra provision of childcare, and a major expansion of after school clubs was to be funded from the National Lottery.

These announcements were “the beginning of reform of the welfare state around the work ethic”. The Child Support Agency was not mentioned in the budget or in connected announcements. This is disappointing given the number of parents with care dealing with the Agency. The opportunity to introduce a maintenance disregard for Income Support or to increase the maintenance disregard already in existence for Family Credit was not taken.

It should also be noted that from April 1998 new claimant lone parents were not able to obtain the extra child benefit formerly payable to lone parents. This was removed as part of the reform of the welfare state and was seen as a very controversial move by the New Labour administration.

### **17.5 How do the priorities of the Labour government compare with the previous administration?**

The design of any new scheme, or the reshaping of the current one, will be dictated by the order of government priorities. This



work has shown that government ideology is the most influential factor in the policy process (although the actual outcomes resulting may not support the ideological underpinnings as intended).

There is evidence to show that the previous government made some concessions to the absent parent lobby but largely ignored the voluntary organisations supporting the parent with care and families living in poverty. Instead, the government managed to keep **the costs to the taxpayer** the number one priority.

It did this by ignoring calls for a maintenance disregard, continuing to insist on (and increase the level of) minimum payments, imposing a benefit penalty on those parents with care not co-operating, refusing to offer any form of guaranteed payment of maintenance for those on Family Credit. Other changes, such as reducing amounts for higher-earning absent parents, often had little effect on the Treasury. Even the maintenance credit scheme, supposedly designed to encourage parents with care to seek employment in the future, was based on actual amounts collected - thus, if the Agency failed to collect, it was the parent with care who lost out and not the Treasury or the Agency. The Labour government has started its

term with a pledge to keep government expenditure in line with Conservative plans for the first two years and has not, at the time of writing, introduced a maintenance disregard for those on Income Support.

Although **encouraging employment** was held up as a priority, the reality of the Acts and the Agency did not always support this. If employment was really to be encouraged, a guaranteed payment of maintenance for those claiming Family Credit would have been a real boost, as would allowance for lost passported benefits such as free school meals. So would some inclusion of mortgage interest payments in the calculation of Family Credit, and facilities for allowing a quicker review of Family Credit if necessary. Where income from low-paid employment or from maintenance fails for a parent with care, this can often mean no option but to cease employment altogether and return to the relative security of Income Support. This is particularly difficult in today's "flexible" labour market.

The Labour government has made major pledges regarding "Welfare to Work" programmes, including a substantially increased allowance for childcare when on Family Credit. However, none of the above possible measures has been included.

Another stated aim of the *Children Come First* White Paper was **to redress the balance between “first” and “second” families**, with children from past relationships sharing in the prosperity of the absent parent. In fact, the changes introduced to quieten the absent parent lobby had the effect of reducing this commitment considerably in various ways. Payments were reduced to the parent with care and the children, often at no expense to the Treasury as these families remained above Income Support levels.

This “priority” was also shown to be flawed in other ways. It is a fact that family circumstances can be very complex. “First” families, as defined by *Children Come First*, may not be “first” families at all. For example, where a man fathers a child outside of his marriage, the family with whom he lives becomes the “second” family. Simplistic definitions of family formations do not work in practice. This has been backed up by research stressing the importance mothers place on social parenting responsibilities, a much more complex web of responsibilities than “natural” parent or financial responsibility definitions, and including the important role of step-parenting and re-partnering in today’s society.



Redressing the balance between so called first and second families also over-rode the previous “clean break” encouraged in matrimonial breakdown. The **Child Support Act** also contradicted the **Children Act**, where parents are assumed to be able to make reasonable arrangements for their children without state interference and where shared care is encouraged. The introduction of mediation into the process of divorce may be a way forward for child support discussions. Mutual agreement about child maintenance is not allowed without the Agency’s involvement, unless the parent with care household can remain above benefit levels.

Early talk by the Labour administration on a thorough review of the Agency appears to concentrate on delivering maintenance to the parent with care and providing an efficient service.

Questions of balance between first and second families have not yet been addressed.

Perhaps this brings in an undeclared priority of the Conservative government - **to police the behaviour of the poor**. It could be argued that the Agency was introduced to curb the behaviour of the poor, and this would appear to have been confirmed by subsequent changes which have further emphasised the Agency’s connection to the benefit system. The



Labour government has not yet addressed this question directly, but is continuing to strengthen the links of the Child Support Agency to benefit claimants (for example by using Benefits Agency staff for filling in Child Support Agency forms). Emphasis continues to be on encouraging lone parents to leave the benefits system wherever possible and the take-on strategy of the Agency has not been reviewed.

**Ensuring children live in households with adequate income** was never an intention of the child support scheme. In fact, the formula can push second families into poverty as well as reducing income for parent with care households, or reducing their access to passported benefits. Limits on government expenditure and implementation by the New Labour government of the benefit cuts to lone parents instigated by the Conservative government would suggest that this priority remains low. Emphasis is being placed on lone parents increasing their income through participation in the labour market and policies are being directed towards that aim.

**Civil service reforms** were behind the establishment of the Agency as an autonomous body under the Department of Social Security. There have been difficulties of communication with the Benefits Agency, although local offices of the Child Support

Agency are invariably housed within the Benefits Agency offices and now are under further threat. Setting up the body as a remote, largely postal system, with computer-based calculations and under-used local offices has failed to provide an acceptable standard of service. The push to provide a target-driven, tightly budgeted, business-like operation has proved unworkable. The review promised by the Labour government may address this, but early moves to increase the number of telephone lines appears woefully inadequate. There seems little to suggest that the scheme will be improved to the point where it will become attractive to all separating parents, regardless of their benefit status.

Early announcements and debates continue to imply that the failings of the Agency are largely a result of poor administration. It is disappointing that the new government has been slow to grapple with the underlying faults of the policy. A realisation that the Agency is being asked to deliver an impossible task is necessary if the new government is to make real improvements to the system.

Continuing to base policy on ideological aims rather than looking at actual achievements and realistic possibilities will not lead to success in the area of child support policy.

## **17.6 How could the Child Support Scheme be Improved in the Future?**

### **17.6.1 Introduction**

This research has shown that the evidence presented by voluntary organisations concerned with poor families and with parents with care has largely been ignored. The protest groups, representing absent parents and second families have been more successful in achieving their goals. However, the Conservative government successfully headed off further protest at little cost to the Treasury. Changes introduced were largely at the expense of the parent with care and the children living in lone parent families.

After four years of operation, in 1997, the Agency was still having major difficulties. MPs were still subjected to a constant stream of complaints. The nature of the complaints has varied over the four years, initially being mainly from absent parents and second partners and concerned with the amounts being demanded, and latterly being dominated by administrative difficulties and frustration of both parents with care and absent parents at the poor service being provided by the Agency.

These findings can be viewed in conjunction with work of other researchers in the field, who have concentrated on the impact

of the Act and the Agency on families, both from a financial and an emotional point of view. Other work largely confirms the continuing difficulties and there is little evidence of any improvement. On the contrary, there is growing evidence that the Acts and the operation of the Agency are worsening the situation for both parents with care and absent parents, causing damage to relationships between ex-partners and between children, their natural parents and step-parents, and increasing poverty for both first and second families. This section seeks to suggest ways of improving the system.

#### **17.6.2      Identifying the Problems and Suggesting Areas for Improvement**

In spite of the difficulties continuing into 1997, there are specific areas where improvement could be made. Such improvements could serve to make the scheme more acceptable to both parents, to improve efficiency, or to alleviate some problems of poverty for both parents with care and absent parents starting second families. However, they may have implications for the Treasury. It is therefore important to consider these suggestions in the light of an honest assessment of the new government's priorities.



## SIMPLIFICATION OF THE FORMULA AND ITS LINK TO OTHER BENEFITS

The overriding criticism of the formula has been its complexity. Attempting to include so many variables in the final calculation has led to an admitted high level of error in calculations and great difficulties for MPs, solicitors, advice agencies, etc. as well as clients of the Agency. Inclusion of so many variables also leads to more need for reviews, more evidence collection and verification and, inevitably, more delays in making assessments.

Also, the original aim of enabling comparison like-with-like is just not possible because there are so many things involved in the calculation. There is no sense of equity between similar families, no sense of predictable outcome. Although aiming to allow for more expenses and circumstances could be in the interests of “fairness”, this is negating any sense of equal outcomes because no two cases are alike.

Further complication arises because family circumstances change so frequently for some households. For example, children leave home or go to live with the other parent, or reach 16, or a new partner moves in or out of one of the households, a new baby is born, one parent gains or loses employment. For

some families, these changes are so significant that they cannot be accommodated in a two-yearly review only. Yet, it could be questioned whether it is realistic to expect families to apply for a change of circumstance review, when this is going to involve another delay, more upset and possibly a break in payments.

Exacerbating this is the flexible labour market - unstable employment and unreliable wages cannot be dealt with effectively under the current system of change of circumstance reviews. They are simply too cumbersome. There are further difficulties if attempting to assess wages over a longer time period.

Specific elements of the formula have also been contentious and simplification of the formula could reduce problems seen.

Property / capital settlements: Broad-brush allowances introduced in 1995 have not been taken up to any great degree and by their very design they are unlikely to apply to many. It is possible that property settlements are still being reached as part of a divorce, but only where both parents feel confident that there will be no future recourse to the benefits system. Voluntary agreements may be reached with the express intention of avoiding the Agency. These could prove

problematic in the future, as such agreements are unenforceable as the law stands at present. This leads to further concerns at the development of a three-tier system of child support where some are compelled to use the Agency, some have a choice about whether to use the Agency or not, and some are prevented from using the Agency even if they wish to do so.

Without the ability to opt out of using the Agency if claiming the prescribed benefits, there are serious implications for the future housing of lone parents and their children. Absent parents are more likely to demand equity from property and force the sale of the family home if they are concerned at future Agency demands.

Step Children / Reconstituted Families: Step families are becoming increasingly important in the raising of children. There is still no allowance for step children in the absent parent's exempt income, although there is inclusion in the protected level of income (which only applies to families where income is low).

The three-tier nature of the current scheme, with deferred take-on of cases and a mixture of compulsion or voluntary

involvement, is causing further problems for re-constituted families. For example, it is not uncommon for a man to have two ex-partners. If the first ex-partner and her child become dependent on state benefits, the Agency will automatically make an assessment. If the second ex-partner is not benefit-dependent, and there is an existing agreement, she will not be able to use the Agency. The father could then be forced to cut his agreed payments to the second ex-partner, in order to support the assessment made on behalf of the first ex-partner. The second wife would have to go to court to enforce payment, or may even be forced onto benefits herself. Meanwhile, the first wife will see little gain from the arrangement, with benefits removed pound for pound for any maintenance received. Thus, the first family gain nothing or little, the second family lose out, and the absent parent is forced into an impossible situation. He may even be supporting a third family, not necessarily his own children. Because the Agency only applies to some families, other families, particularly those who are not benefit-dependent can lose out.

It has been argued that the involvement of the Agency in this way may even prevent new family formations. It may therefore prolong the period of lone parenthood for some.



Protected Income / Household Income: The protected level of income has been important for poorer families, but can mean that a new partner is effectively supporting an ex-partner. The inclusion of a new partner's income does not increase the assessment as such, but is used in calculating the protected level of income. This has caused resentment and is seen as particularly inequitable when the income of the new partner of the parent with care is not included. (Although the income of the new partner will be included in the household income of the parent with care for means-tested benefit purposes.)

Voluntary co-operation / maintenance disregard / benefit

penalty: All the voluntary organisations involved with parents and families have called for the introduction of a maintenance disregard for those parents with care on Income Support, to act as an incentive for both parents to co-operate with the Agency. This may also help parents with care see that regular and reliable maintenance is being paid, and may therefore act as an extra incentive to leave the relative security of Income Support.

From the perspective of the absent parent, the introduction of a maintenance disregard would give a visible gain to the children, rather than the current situation where often it is only the Treasury that gains from maintenance paid.

The benefit penalty is seen as particularly damaging to families already likely to be suffering poverty. Many feel that parents with care should be free to opt-out of using the Agency.

Research has shown that parents with care do not necessarily see absent parents as having financial responsibility for children, but that social parenthood may be more relevant.

Particular difficulties may arise where there was never a long term relationship between the parents, or where the man did not want the pregnancy to continue, or where conception took place on the understanding that any child would be the sole responsibility of the mother. Some believe such considerations mean that it must be the parent with care who decides whether or not to involve the Agency.

### Minimum Payments

There is a minimum payment, in 1997 set at £5 per week, which must be paid by an absent parent who is himself on Income Support, unless he has other children living with him to support. This minimum payment has been criticised throughout by the voluntary organisations who feel that reducing the absent parent to below the level of Income Support, with no gain to the parent with care (if she is on benefit too), is a pointless exercise. The Conservatives felt it

worthwhile to establish payments and the idea of financial responsibility. In fact, research shows this has merely increased animosity between ex-partners and children, and reduced the amount or quality of access time for the absent parent. Research has also shown that it is the children who lose out most when minimum payments are collected. For the absent parent, NACAB report problems of debt and extreme hardship.

There is also some evidence to show that some low-wage absent parents have had their assessment cut, but were quite happy paying the original amount. Of course, they could continue to pay more than they are required to, but given that the Agency may come back some months later with a newly inflated figure, this is probably unrealistic. These circumstances show that there could be some merit in allowing satisfactory voluntary or past agreements to continue without Agency interference.

#### Percentage of net income based formula

A way of simplifying the formula might be to introduce a formula based on a percentage of net income. This would inevitably mean reduced assessments (it would not be politically acceptable to have a 40% take of net income as at present in some cases) but would introduce a workable,

understandable system. It could also be delivered through the Inland Revenue system.

There are several advantages to this idea. Although the amount of assessments would probably be lower, they would be predictable and clear. They would also vary automatically according to the earnings at any one time, saving the need to apply for change of circumstance reviews whenever wages fluctuate. Of course, if the parent with care remains on benefit or relies entirely on maintenance, then a safety-net system would have to be developed to accommodate this flexibility.

Those absent parents on a very low income themselves, or living on benefits, would not make a contribution until their wages allowed. Meanwhile, children would share in the increasing prosperity of both their parents, and the system could apply to *all* separating couples regardless of their marital status, divorce proceedings or benefit entitlement.

Such a formula would not easily accommodate other consideration such as housing costs and new family formations. However, the “rough justice” approach may prove more workable. Consideration would have to be given to whether the parent with care could opt out of the system, for



example shared care arrangements could be agreed as an alternative. It could be argued that a simplified system, with clearer calculations and less opportunity for dispute might encourage both parents to co-operate. A maintenance disregard for those parents with care on benefit could further encourage involvement in the new system without the need to introduce sanctions or compulsion.

### THE ADMINISTRATION OF THE AGENCY

Throughout this research the problem of dealing with remote offices has stood out. It is clear from the cases looked at, meetings witnessed and interviews held, that people like to visit or have contact with a local office. They do not respond well to remote offices, even if they are dealt with efficiently and politely.

Evidence suggests that business practices such as remote offices, postal enquiries, limited personal interviews, etc are not always appropriate for the Agency. People who took part in this study often expressed a preference for talking face-to-face (providing it is conducted in a non-threatening or judgemental way). The issues are very personal and sensitive and many people involved in the study felt that no-one had listened to them. Even if the formula was applied in the same way at the end of the day, it seems that people (particularly absent

parents) would have felt happier, and perhaps accepted the outcome easier, if they felt that someone had listened “to their side”. However, it was announced in October 1997 that there were plans to reduce the number of staff in local offices, shifting the emphasis to 7 days a week telephone lines (Guardian 14<sup>th</sup> October 1997).

Lack of information is also a continuing problem into 1997. It is still difficult for a parent with care to assess just how much better off she would be in employment. This comes back to the complexity of the formula, as well as the problems of collection and enforcement being seen. If the collection of maintenance is really going to encourage lone parents off the relative security of Income Support, the parent with care needs to know what maintenance is coming in and how regularly. There are many calculations to make because the formula is so complex and the information from the Agency is just not there. The New Deal may help here, with specially trained advisers available to help lone parents, although such assistance is not specifically mentioned in New Deal plans.

Whilst a simplified formula for the calculation of maintenance would help to clarify the other calculations involved, the provision of local offices would also be an advantage.

Until the Labour government produces firm plans for the future of the Agency, it is impossible to say whether these issues will be addressed effectively. If they are not, the future of the Agency looks bleak. There is nothing to suggest that improvements can be achieved through management initiatives alone and it is vital that the government addresses the related issues of benefits entitlement and job opportunities. It is also vital that the government sees beyond its ideological aims and introduces practical, workable policies which can be accepted and understood.

## **CHAPTER EIGHTEEN**

### **Conclusions**

The purpose of the study was to look at how recent policy has evolved in the area of child maintenance, specifically the introduction of the Child Support Agency.

With the broad outline for the new Agency in mind, the government set out to design a formula for assessing child maintenance. This study has shown how the Conservative government managed to design a child support system which encompassed the political ideology of the right.

Developing this theme further, the research has looked at the changes introduced by the government between 1993 and 1996. Detailed examination of specific changes to the legislation and the formula during this period illustrates the over-riding priorities of the government.

Evidence was drawn from a variety of sources covering a range of “partisans” (the term used by Hall, 1975). The study has brought together an examination of voluntary organisations, protest groups, politicians and civil servants and set out how



these groups have sought to influence policy. By examining the fine detail of the changes to the legislation and the formula it has been possible to show where government has reacted to pressure and in what ways it has managed to maintain its ideological commitments.

### The Civil Service

This work has set out how changes to the civil service as a whole influenced the design of the organisation charged with delivering the child maintenance scheme. The Agency was set up as a Next Steps Agency with business plans, targets and limited budgets. It has been shown that these changes to the ethos of the civil service and the delivery of government services had a direct effect on the design of the system.

Evidence has been presented using Agency business plans and annual reports to illustrate the changing approach taken by the management of the Agency once up and running and the interaction with the government in the setting of targets and measurement of the Agency's achievements.

The work has shown that some operational difficulties were created by policy decisions and to some extent were inevitable and foreseeable. It could be said that the Agency was charged with an impossible task. For example, policy decisions which

resulted in an over-complex formula were found to be impractical. Delays and errors could not be solely attributed to the management of the Agency.

This work has also shown how operational difficulties in some cases resulted in changes in policy, for example delaying the take-on of some categories of cases. In this way the management of the Agency influenced the government.

### The Voluntary Sector

The study has provided detailed information on the voluntary sector's responses to the various developments, both prior to the Agency and in the three years following. This has enabled analysis of where this sector's views have apparently been influential and where they have been ignored.

It is clear from the evidence presented that the voluntary sector's warnings about the shortcomings of the plans being put in place to set up the new scheme were largely ignored by the government. This is true also of subsequent calls for amendment to the legislation and to the child support formula. It was 1996 before the government acted on advice given by these organisations and even then the changes introduced were minor. The main recommendations of the voluntary sector were never implemented.

### Protest Groups

To consider the role of protest groups set up specifically in response to the Agency, it was necessary to look at the activities of these groups in some detail. This has provided a unique record of the formation and activities of the Nottingham group as well as an insight into the development of the national “umbrella” group.

By examining the lobbying and protesting tactics used by these groups, the study has shown how they sought to influence the government. Analysis of the changes introduced shows that the groups had some limited success.

### Politicians and Political Parties

For backbench MPs, the introduction of the Agency had a profound influence on their constituency work. This research has detailed how the subsequent caseload was dealt with and how backbenchers sought to exert their own influence on government.

Support for the basic principles of the **Child Support Act** meant that legislation was passed which was in fact flawed. The shortcomings of the legislation were recognised by a number of MPs and the debates surrounding the detail have

been considered as part of this study. Nevertheless, the influence of the backbenchers was insufficient to prevent the legislation coming into force.

The work of the Social Security Select Committee in respect of the child support scheme has been detailed. Their debates and recommendations have been analysed to show who influenced the committee and in turn how influential that committee was on the government.

It is clear that the Select Committee favoured the absent parent lobby in its recommendations, in spite of strong evidence being presented by the voluntary sector. It is also clear that the obsessions of members of the committee had a bearing on the discussions and the recommendations which followed.

The study has shown that the extent to which the Social Security Select Committee managed to influence the government varied. Some recommendations were taken up, but only where this had limited implications for the Treasury.

Looking at political parties, the study has shown that support for the principles of the **Child Support Act** remained strong and there was little enthusiasm for abolishing the Agency. In



spite of the obvious difficulties being witnessed in delivering the system, only the Liberal Democrats put forward an alternative.

The Labour Party called for specific changes whilst in opposition, for example the introduction of a maintenance disregard for parents with care on Income Support. Once in government however, a major review of the child support system was started as part of reform of the whole of the welfare state. It will be some time before it is clear what that reform will mean. It would be interesting to carry out future studies on what bodies or what individuals have been successful in influencing the New Labour administration.

### **Were ideological aims achieved?**

The study has established that the scheme introduced to assess and deliver child support was based on ideology and not practicality. This lack of attention to practicality meant that the system was undeliverable, with the result that the effects of the policy were the opposite of those intended in many cases. Whilst the government maintained its commitment to reducing public expenditure and promoting “family values”, the aims stated in *Children Come First* were not achieved.

The system did not result in more maintenance being paid, it did not result in more absent parents contributing to the

upkeep of their children and it did not reduce animosity between ex-partners or improve relationships.

This study has presented evidence which would suggest that unless the practical application of the system is given more priority, and the ideological underpinnings tempered by a thorough appraisal of the realities of parents' lives, the future of the child support system under the Child Support Agency looks bleak.

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## APPENDIX ONE

Studies presented in *Children Come First* (Cm 1264, Oct 90)

### **"Assessment Study**

To collect information from the flow of cases entering the maintenance system. This information related to:

- the family and financial circumstances of maintenance recipients (not all were lone parents), and of liable persons (the absent parent);
- levels of recent maintenance awards and
- the delays at various stages in the system.

### **Life-cycle Study**

To collect information from the total stock of cases in each part of the maintenance system in order to:

- assess the types of people using the various parts of the system in terms of their marital status, age, employment status, number of children and other circumstances;
- assess the time taken from when the case arises through all the subsequent actions including enforcement and variations to the cessation of the case or the present date;
- assess compliance with awards and orders, reasons for non-payment and arrears and

- assess the value of awards and the sanctions for non-payment.

### **Costing Study**

To provide a factual analysis of the administrative cost to public funds in connection with:

- initial maintenance awards;
- variations;
- enforcement and
- payment and collection.

### **Overseas Study**

To collate and analyse information about maintenance systems abroad, from selected countries."

(Cm1264, vol 2, pp. 14-15)

The following chapters of volume 2 give the results of these studies in some detail, and these are summarised into ten main points, given in brief below.

1. The number of lone parent families in Great Britain has grown from almost 600,000 in 1971 to over a million in 1986. They now form 14 per cent of all families with children.
2. Lone parent families have become more dependent on social security benefits and have become less likely to receive maintenance.
3. Maintenance for children remains an issue while the children of a relationship are still at school and

regardless of the marriage or remarriage of either parent. This could be a 16 year-long commitment.

4. There was found to be considerable inconsistency in maintenance awards as a proportion of absent parent net income.
5. Processing times for awards of maintenance varied greatly between different courts.
6. Many maintenance arrangements experience problems of non-payment or arrears.
7. Enforcement action can take a considerable time.
8. The direct administrative costs of the present maintenance system are £50.8m per annum.
9. The literature study of overseas maintenance systems found that the introduction of a maintenance formula (and particularly those based on a percentage of absent parents' income) increased the average levels of maintenance payments.
10. Work rather than maintenance is the main reason for lone parents leaving Income Support.



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