

9 Getting governance right

92. The current CSA operates as an executive agency of the Department for Work and Pensions. While the Agency is responsible for delivering child support, the Department maintains ownership of, and responsibility for, the overall policy.
93. There may be merit in changing the institutional arrangements. One option would be to establish the new organisation as a non-departmental public body. A non-departmental public body is described as a 'body which has a role in the process of national government but is not a government department, or part of one, and which accordingly operates to a greater or lesser extent at arm's length from ministers'.⁵⁸
94. Changing the status of the new organisation could offer several potential advantages, including giving the organisation greater responsibility and independence from the centre. While ministers would retain accountability for the organisation, they would be removed from its day-to-day operations. Non-departmental public bodies are often used in situations where difficult judgements about specific cases are required, which need to be clearly separate from ministers. Examples include the Environment Agency and the Independent Police Complaints Commission. Similar arguments apply for child support, where the state is playing a form of quasi-judicial function, deciding a claim between two parents.
95. Non-departmental public body status could also allow the administrative organisation to take greater policy ownership and responsibility than an executive agency. In the case of child support, it may be advantageous to combine policy and delivery within the same body, to ensure the maximum synergies between the two. This would fit with the recommendation for the organisation to act as a commissioner of services.
96. Creating a new organisation and changing its governance arrangements is not without risks. Any change would clearly have significant implications for the current management and staff of the CSA, who have worked hard to deliver the Agency's goals, often in very difficult circumstances. Changes could also affect the administrative organisation's relationship with the Department for Work and Pensions, risking duplication of policy functions, and with its customers, if it is perceived to be one step removed from government.

97. In principle, it appears that there may be advantages in changing the governance arrangements. However, further work is needed to examine in more detail the implications of such a change and to support a final decision.

Recommendation: Further work is needed to assess the relative pros and cons of establishing the new organisation as a non-departmental public body or of retaining it as an executive agency.