

6 Getting serious about enforcement

64. Child support enforcement has a poor history. Despite the CSA having an extensive range of powers, including the ability to use the courts to imprison non-resident parents who persistently fail to pay, sanctions are not used regularly, and a culture of non-compliance has developed. Enforcement has not been a priority for the CSA and has been considerably under-resourced. This has damaged the Agency's credibility and led to an unacceptable situation where non-resident parents believe they can ignore the Agency and get away with it.⁵⁴ This cannot be allowed to continue. While the Agency is taking steps to improve enforcement through its Operational Improvement Plan, including allocating greater resources to the function, there is scope to take further action. To encourage parents to take financial responsibility for their children, the state needs to signal that swift and effective action will be taken when this does not happen.
65. The CSA's problems around enforcement result from a combination of institutional and administrative failings. Enforcement is a specialist function, requiring particular skills, processes and incentives. It currently sits uncomfortably in an organisation that is focused on negotiating with parents and trying to manage difficult, emotional issues. For this reason, creating a distinct enforcement arm with its own performance management regime is recommended. This will help to raise the profile and send a clear signal to parents who fail to pay that this will no longer be tolerated and swift, effective action will be taken against them.
66. Managing enforcement as a distinct business function also fits well with the commissioning model I have proposed (see section 8 at page 40 on 'A new operating model') and raises the longer-term prospect of sharing such services across government in a single centre of expertise.
67. Under the current system, a parent with care has no right to enforce a claim for child support against a non-resident parent who fails to pay. A number of stakeholders have argued that the legislation should be changed to allow such independent enforcement. Such a step would fit with the logic of giving more individual responsibility to parents. However, it would also raise some risk of duplication of effort between the administrative and court systems. One option would be to allow parents with care the right to enforce, but only if there was clear evidence that the administrative service had failed

to do so effectively (for example by not taking action within a defined period of non-compliance). This should be considered further in the detailed design of the new system.

68. I would expect new institutional arrangements for enforcement to be accompanied by a review of policy and operations to consider how to ensure effective and efficient enforcement going forwards. This could include extending the range of powers available, for example introducing high-profile sanctions such as passport withdrawal and using improved operational procedures such as risk-profiling clients. There is also the potential to use the power to impose financial penalties on those who do not comply. This could encourage compliance and penalise those who then trigger enforcement resources to be spent pursuing them. The existing agency does have the power to impose financial penalties but for operational reasons this has not been used. Further work should be done to assess the impact of using financial penalties in the future.

Recommendation:

- a) Manage enforcement as a distinct business function.**
- b) Introduce new sanctions, including the power to withdraw passports, and make more use of existing powers such as imposing financial penalties.**