



December 2006

A new system of child maintenance

Summary

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A Regulatory Impact Assessment is published alongside this document.

Ministerial foreword



Parents, whether they live together or not, have a moral as well as legal responsibility to support their children.

When parents neglect these responsibilities, we must act to protect the interests of children. This was the basis for setting up the Child Support Agency.

Yet, despite the best efforts of staff, the performance of the Child Support Agency has been, and is still not, acceptable. However, the problems go much wider and deeper than the agency itself. The history of child maintenance in the UK is a case study of policies which had good intentions but, in reality, could not be put into practice effectively. The current system often works against parents – making it difficult for them to carry out their responsibilities instead of supporting them to achieve the best outcomes for their children. And, not enough children get the maintenance they need. The system needs major changes.

That is why, earlier this year, I asked Sir David Henshaw to advise on redesigning the child maintenance system. Building on Sir David's recommendations, this White Paper sets out the details of our proposals.

The new system will mark a fresh start for child maintenance. A new organisation will replace the existing Child Support Agency and make a clean break with the past.

The organisation will take a new approach to give parents responsibility for making their own maintenance arrangements. However, there will be strong effective support in place for when this does not happen. New powers of enforcement will significantly strengthen the ability of the authorities to make those parents meet their responsibility if they repeatedly fail to pay maintenance – including placing curfews on parents and suspending their passports.

This White Paper sets out wide-ranging proposals for delivering a new child maintenance system. The proposals create clear rights and responsibilities. They offer better value for money for the taxpayer. And, above all, they will deliver a system that properly meets the needs of parents who look after children who depend on child maintenance. This will help to make sure that families and children do not slide into poverty when parents split up.

A handwritten signature in black ink, which appears to read "John Hutton". The signature is written in a cursive, flowing style.

Rt Hon John Hutton
Secretary of State for Work and Pensions
December 2006

Executive summary

A fresh start for child maintenance

1. The Child Support Agency was set up in 1993 to assess, collect and enforce maintenance payments from parents who do not live with their children. However, from the very beginning, the Child Support Agency has not delivered anywhere near what was expected of it.
2. The system has never recovered from this poor start. Obviously we need to see major changes in child maintenance policy and how it is delivered. We have to do this by making a clean break with the past. We need new arrangements that work for parents so we can deliver:
 - the best outcomes for children;
 - a more effective process for assessing, collecting and enforcing maintenance;
 - the tools needed to do the job; and
 - a new organisation that can bring new and modern approaches to delivering the policy.
3. This White Paper sets out the Government's radical and far-reaching proposals to change the child maintenance system so that much more money reaches the children who need it.

Supporting families and tackling child poverty

4. In a rapidly changing society, the nature of relationships has changed significantly. In particular, an increase in the number of divorces and in the number of births to women who are not married has meant that children are now more likely to spend some point of their childhood in a single-parent household.
5. However, even if the parents' relationship has ended, or if there is no stable relationship, they are still responsible for their children. Parents, whether they live together or apart, have a clear legal, moral and continuing responsibility to maintain, and do the best that they can for, their children.
6. A central part of this responsibility is to contribute to the cost of bringing up their children. For non-resident parents (these are the parents who are not the main day-to-day carers for the children) this means paying child maintenance, which, when received can make a significant difference to the lives of low-income families and lift many children out of poverty. In many cases parents take responsibility for making their own child maintenance

arrangements. However, some parents need help to do so. Others deliberately avoid this responsibility. When they do, it is their children who suffer most from their actions, with damaging consequences for their prospects in adult life.

Child maintenance arrangements in the UK

7. The Child Support Agency was set up in 1993 because parents had lost confidence in the system of collecting maintenance through the courts. The new system was designed to provide better support to children and families by making sure parental responsibilities were properly enforced. Despite these good intentions and the best efforts of staff, the Child Support Agency struggled to deal with the complicated rules in the child maintenance scheme and to handle the difficult and emotional circumstances that often surround parents when child maintenance becomes an issue. As a result, the performance of the agency fell a long way short of expectations.
8. The reforms, in 2000, simplified how maintenance is worked out and, through the Child Maintenance Premium, allowed parents who care for their children and claim benefit to keep up to £10 a week of any maintenance received. They also tackled some of the weaknesses of the original scheme. However, as the National Audit Office has pointed out, these reforms failed to deliver the expected improvements. (This information is from the National Audit Office, 2006, *Child Support Agency – Implementation of the Child Support Reforms*, HC 1174 Session 2005/06, 30 June.)
9. As a result, too many children do not receive maintenance from the non-resident parent. Even now, most cases handled by the Child Support Agency do not receive any maintenance at all. It currently handles 1.4 million cases, but in September 2006 only 750,000 non-resident parents were liable to pay maintenance. Of these, only 455,000 either paid through the Child Support Agency collection service or had a 'maintenance direct' arrangement in place. ('Maintenance direct' is where the Child Support Agency has worked out the amount of the maintenance payment and then the parents arrange between themselves to pay it direct from one to the other.)
10. The Child Support Agency has been given an impossible task. Indeed, the current system often works against parents – making it difficult for them to carry out their parental responsibilities instead of supporting them to achieve the best outcomes for their children. In particular, the system relies on parents co-operating. In cases where the parent with care (the parent who is the main day-to-day carer for the children) is claiming benefit, both parents can be put off co-operating because most of the maintenance paid does not actually benefit their children. And, in these cases, the system sometimes needlessly overturns any arrangements that may already be in place and working well.

Redesigning the child maintenance system

The Government's four principles for change

11. In February this year, the Secretary of State for Work and Pensions asked Sir David Henshaw to consider proposals for redesigning the child maintenance system.
12. Sir David recommended an entirely new approach, in which parents would be encouraged and helped to take responsibility for making their own child maintenance arrangements but with strong and effective state support if this did not happen.
13. He argued that the system's existing failings reflected problems with policy and how it is delivered. Repeated attempts to improve how policy is delivered without actually tackling the policy issues had made these problems worse.
14. Sir David came to the conclusion that the existing Child Support Agency could not provide the administrative role for the major shift in approach which was needed to make a clean break with the past.
15. The Government has accepted Sir David's main recommendations. Based on these recommendations it has created four new principles to change the child maintenance system. These are shown below.
 - **Help tackle child poverty** by making sure that more parents take responsibility for paying for their children and that more children benefit from these payments.
 - **Promote parental responsibility** by encouraging parents to make their own maintenance arrangements wherever possible, but taking firm action – **through a tough and effective system of enforcement** – to enforce payment if this is necessary.
 - **Provide a cost-effective and professional service** that gets money flowing between parents in the most efficient way for the taxpayer.
 - **Be simple and open** providing an accessible and reliable service which responds to the needs of parents. A service that parents and their advisers can understand and accept and which staff can actually deliver.
16. These four principles change the focus of the child maintenance system on meeting the needs of children. They make tackling child poverty the first and most critical test for the changes needed, and they set out and enforce clear rights and responsibilities – in other words, the right of a person to make a claim and the resulting responsibility of the non-resident parent who doesn't live with the children to pay.

Our proposals for change – a clean break

17. This White Paper sets out the Government's proposals to bring in a new and very different organisation to deal with child maintenance. This will be backed up by an entirely new approach that encourages parents to take responsibility for supporting their children financially with a tough system of enforcement for cases where this does not happen.

A fresh start – a new organisation to deliver child maintenance

18. The history of child maintenance in the UK is a case study of policies which had good intentions but which could not be put into practice effectively. To make sure that our future changes result in better outcomes for children, we will create a new organisation with a clear role to develop and put these changes into practice effectively.
19. As a result, we will introduce laws to set up the Child Maintenance and Enforcement Commission (C-MEC) – as a new Non-Departmental Public Body – run by an independent board to replace the existing Child Support Agency.
20. The Commission's responsibilities will include:
- managing existing cases and debts that are still owed;
 - developing and putting the new scheme into practice;
 - giving parents support on how to make private arrangements or join the new scheme;
 - managing how cases are moved into private arrangements or between schemes; and
 - stopping the existing child maintenance schemes and replacing the Child Support Agency.
21. C-MEC will also give advice to ministers on all areas of how the new system will work

A new focus – encouraging parents to make their own arrangements

22. Many parents would prefer to make their own child maintenance arrangements and could often do so without much difficulty. However, the existing child maintenance system does not provide a framework to do this. If parents with care claim benefits, the system overturns any arrangements that may already be in place. This undermines the parental responsibility that the scheme is aiming to enforce and can mean that everyone, especially the children, suffers as a result.

23. Because of this, we will:

- bring forward laws to end the requirement that parents with care who claim benefits are treated as applying for child maintenance;
- in 2008, extend to all parents with care the right to keep up to £10 of their child maintenance a week before it affects their benefits;
- from 2010-11, significantly increase the amount of maintenance that parents on benefit can keep before it affects the level of benefit they receive; and
- give parents better access to information and guidance when they separate and link them up to quality support so they can make informed decisions.

An efficient and more streamlined child maintenance assessment process

24. Many people who use existing child maintenance services have complicated personal lives, and it can be difficult for the system to keep up with, and account for, changes in their circumstances. The changes which were introduced in 2003 simplified the formula used to work out maintenance – an approach which was approved by many. However, with the benefit of much better evidence from abroad, it is clear that the changes made in 2003 did not go far enough. The complexities that are still present undermine how the system performs as a whole.

25. Because of this, we plan to significantly simplify the assessment process to allow it to become faster, clearer and more accurate.

26. Because of this, we plan to do the following.

- We will use the latest tax-year information to work out how much child maintenance should be paid, unless current income differs by at least 25% from that tax information.
- We will move away from the current system where a small change in income can change maintenance awards. Instead we plan to use a system of fixed-term awards of one year (with some exceptions for a significant change of circumstance). The income used to work out how much a parent has to pay will be updated each year.
- We will use weekly income before deductions (gross), rather than after deductions (net) to work out how much child maintenance should be paid.
- Once the future scheme starts, we will increase the flat rate of maintenance paid by most non-resident parents on benefits from £5 to £7 a week. We will review this rate, and other rates, regularly.

27. These changes mean that we will only need the following three pieces of information to decide how much maintenance a working non-resident parent must pay.
- Their gross income (before deductions)
 - The number of qualifying children (these are children who the non-resident parent has to pay maintenance for)
 - Whether the non-resident parent has any children living with them and, if so, how many

The main change is that working out maintenance can no longer be held up by a non-resident parent refusing to give information about their earnings. This information will now come from HM Revenue & Customs.

Tougher enforcement

28. Although the new child maintenance system will do more to encourage and help parents pay child maintenance, some parents will inevitably do everything they can to avoid their responsibilities. In these circumstances, we have a clear responsibility to make sure that maintenance is collected regularly and that we take fast, effective and firm action to enforce payment. As a result, the Government will extend the range of enforcement powers that are available and streamline how they are used. Importantly, this will mean that the people on the frontline have the tools they need to do the job.
29. As a result, we plan to:
- strengthen the enforcement powers available by making the parent who is failing to pay give up their passport or placing a curfew on them;
 - explore the possibility of introducing powers to collect maintenance directly from accounts held by financial institutions;
 - remove the requirement to apply to the courts for a liability order before taking enforcement action and replace it with a swifter more effective process, done by C-MEC;
 - examine the possibility for removing the requirement to apply to the courts for a charging order, withdrawing a driving licence or making a parent give up their passport; and
 - improve the way that information is shared between financial institutions and credit reference agencies to trace parents and collect and enforce maintenance.
30. We will explore two options in relation to withdrawing driving licences and giving up passports. The C-MEC will be able to either:
- apply to the magistrates' court, as is currently the case with driving licences; or
 - issue an interim order to withdraw a driving licence or force a parent to give up their passport at the same time as applying to a court for a final order.

31. These are very strong powers that are not normally used to collect civil debts. But we must put the needs of children first. The powers need to be strong to break down the current culture of parents not keeping to maintenance arrangements and to get more money to children. Other countries have recognised this and our proposals build on the evidence of what works elsewhere.
32. As a final part of our overall strategy, we want to do more to let people know about the increasingly strong system we now have. We plan to start bringing the outcomes of suitable cases and details of parents who fail to pay maintenance to wider public attention. As part of this we will publish (on the Child Support Agency's website and, in future, the C-MEC website) the names of parents who are successfully prosecuted or have a successful application made against them in court.

Increasing efforts to collect and manage debt

33. These proposals will improve the way in which maintenance is collected and help the new organisation to focus, more than ever before, on speedy and effective enforcement action. There can be no question of allowing parents who are able to pay to escape their responsibilities. The tougher enforcement regime is aimed at making significant improvements in collecting existing debts.
34. There is more work to do to analyse the debts which have been building up. But we are clear that these debts will not be routinely written off and parents will have to pay them. However, we do believe that there are some specific, limited circumstances where it may well be appropriate to write off debts. And we need to revalue some debts which are no longer at the right level. We plan to give C-MEC the power to accept, by consulting the parents concerned, reasonable offers to settle debts. If a debt is due to be paid to the parent with care, C-MEC will only make a decision to accept a lesser amount if the parent with care agrees.
35. We will also give the new organisation powers to factor (sell) debts in some cases, using specialist organisations to provide money for more children. We will add a condition to new laws to allow unpaid child maintenance payments to be recovered from the estate of a parent who has died.

Joint birth registration

36. The changes outlined above will help many more parents take responsibility for their child maintenance arrangements. For most children, having both parents take an active role in their lives should significantly benefit them during their upbringing. It is important to create an environment that reflects and supports parents' sense of their responsibility for the welfare of their children. One area where we believe that we can do more is through how births are registered.

37. We believe that children have a right to know that both parents are responsible for them and to be supported by a framework that encourages an ongoing relationship with their parents. We need to change our approach in this area to develop a culture where people are clear that fatherhood, as well as motherhood, always comes with rights and responsibilities.
38. We have decided that the birth registration system needs to do more to actively promote joint registration and that current laws need to change so that both parents' names are registered following the birth of their child (unless it would be unreasonable to do so). In taking this work forward, we will talk to people with an interest in this subject and make sure that there are strong forms of protection in place to protect the welfare of children and vulnerable mothers.

How this meets our principles for change

39. We believe that the proposals set out in this White Paper will meet our principles for changing the child maintenance system. The Child Maintenance and Enforcement Commission will be responsible for making sure that these proposals deliver the outcomes that parents and their children deserve.

Helping to tackle child poverty

40. We estimate that around 40,000 parents could benefit from extending the £10 a week ignored when working out benefit. Further to that, by increasing, from 2010-11, how much child maintenance is kept without affecting income-related benefits and applying it to all cases, more maintenance paid will go to parents. This will lift many children out of poverty and will increase the incentive for the parent with care to try to get payment and the non-resident parent to pay maintenance.

Promoting parental responsibility

41. Our changes emphasise the ongoing responsibility of both parents to support their children, even when a relationship ends. Removing the requirement that parents claiming benefit are treated as applying for child maintenance means that parents will have more choice than before about their own child maintenance arrangements.
42. The improvements we plan to make to the quality and accessibility of information and guidance will help parents make an informed decision about how they can carry out their responsibilities. Balanced alongside this, our proposals to strengthen enforcement measures send out a clear signal that we will not allow parents to avoid paying maintenance.

Providing a cost-effective service

43. Our proposals will put in place a much simpler assessment process, and will make sure that maintenance is collected as quickly and regularly as possible and that rapid and effective action is taken to enforce payment. This means there will be a faster and more efficient process for getting money to parents, and better value for money for the taxpayer.

Providing a simple and open service

44. The improvements that we plan to make to the assessment process will provide a simpler and clearer basis for working out maintenance. This, alongside a more effective collection and enforcement process, will mean that we can provide a better service for parents, and put in place a system that is easier for everyone to understand and for staff to operate. That way, parents will be left in no doubt about the basis on which decisions have been made and the amount of child maintenance that their children are entitled to.

Moving to the new system

45. Following laws to be passed in 2007-08, we will move quickly to set up the new commission in 2008. In taking over responsibility from the existing Child Support Agency, they will focus, in their first year, on extending choice and tackling child poverty. They will do this by:
- increasing enforcement action in existing cases by applying the new powers;
 - making sure, by working with Jobcentre Plus, that all parents can take advantage of the £10 a week ignored when working out benefit, and maintenance is being paid by extending this to cases under the 'original scheme'; and
 - helping parents make choices by removing the requirement that parents who claim benefits are treated as applying for child maintenance and helping them by providing new information and guidance services.
46. The focus will then be on the arrangements for moving cases, where parents cannot make their own maintenance arrangements, to the new system. We must reduce, as far as possible, disruption for parents and provide continuity of service during the transfer period. The C-MEC will take rigorous action against non-resident parents who do not pay their child maintenance.
47. There will be a clear set of options for parents –they will be able to either make their own maintenance arrangements, move to the new system, or take advantage of a new cash transfer service. The last option recognises that, for most, moving to the simplified assessment process will mean a change to the amount of child maintenance they receive. Some parents are happy enough with the current arrangements and should not be forced to use a different assessment method. The new cash transfer service, available if both parents agree, will reduce disruption by continuing to move money between parents based on their current maintenance award and personal choice.
48. We will actively support parents in making their choice through a wide-ranging communication programme to be developed by C-MEC and expected to start in 2009. We expect cases to start being transferred to a single system in 2010-11 and it will take about three years. During this period C-MEC will need the flexibility to review and adjust their

plans to respond to the needs of parents and the demand for the new system. Until their case is due to transfer, parents who choose to stay in the system will be able to benefit from the improved support and enforcement being offered by C-MEC under the existing schemes.

49. The Child Maintenance and Enforcement Commission will design the full details of this move to the new scheme. They will do this after researching parents' needs and will make sure that the approach provides a seamless service whichever choice parents make.

The administrations in Scotland, Northern Ireland and Wales

50. This White Paper raises a number of issues which Scotland have their own policies on, such as the joint registration of births and providing information and guidance. It will be for Scottish Ministers and the Scottish Parliament to decide how to respond to these matters.
51. How child maintenance is provided in Northern Ireland is governed by the long-established and widely accepted policy of being broadly similar to Great Britain. We believe that this should stay the same in the future and hope that Northern Ireland will take account of this when putting any proposals set out in this White Paper into practice.
52. Although Wales do not have the power to make decisions about these particular issues, the Welsh Assembly Government and its officials have been involved while developing these proposals.

Conclusion – the way ahead to the new system

53. The proposals in this White Paper set out a clear way ahead for the child maintenance system. They will:
 - help lift many more children out of poverty;
 - enforce the rights of children and the responsibilities of parents; and
 - provide a simplified system that offers a better service for clients and is more cost-effective for the taxpayer.
54. It is very important that we receive the views of the public and anyone else with an interest in this issue. We have carried out a valuable consultation process, and this White Paper includes a series of further questions on which we would welcome your views.

Consultation arrangements for the White Paper

Our commitment to working together

- a We are committed to keeping an open approach and listening to people's views. For that reason, the proposals outlined in this summary have been informed by continuing to consult those with an interest.
- b While considering his proposals for redesigning the child maintenance system, Sir David Henshaw invited people to give their views. Annex 3 of his report sets out the details of the consultation process. In our response to Sir David, we set out a number of questions around the broad principles of the new child maintenance system. This kick-started a period of ongoing consultation about the new policy. Annex A of the White Paper summarises the comments that we have received.
- c We have published a Regulatory Impact Assessment alongside this document.
- d By publishing this summary, we began our formal consultation period in line with the Cabinet Office's Code of Practice on Consultation. You can find a copy of the code at www.cabinetoffice.gov.uk/regulation/consultation. The six conditions set out by the Cabinet Office on consultation are to:
 - consult widely throughout the process, allowing at least 12 weeks for a written consultation at least once while developing the policy;
 - be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses;
 - make sure that your consultation is clear, concise and widely accessible;
 - give feedback about the responses received and how the consultation process influenced policy;
 - monitor how effective each department is at consultation, including by using a designated consultation co-ordinator; and
 - make sure the consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

How to respond

- e We have developed a series of questions throughout the White Paper. We have listed these at the end of this summary along with a page reference for where they appear in the main body of the White Paper.
- f The consultation period covers 13 weeks from 13 December 2006 to 13 March 2007. Please make sure that your response reaches us by the closing date of 13 March 2007. You can send in your response by letter, fax or e-mail to:

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Department for Work and Pensions
5th Floor
The Adelphi
1–11 John Adam Street
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WC2N 6HT.

Website: www.dwp.gov.uk/childmaintenance/

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Phone: 020 7962 8128

Textphone: 020 7712 2707

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- g When responding, please say whether you are responding as an individual or are representing the views of an organisation. If you are responding on behalf of a larger organisation, please make it clear who the organisation represents, and, if it applies, how you gathered the views of members.
- h We will produce a summary of the responses that we receive, along with a response from the Government on how we plan to go forward, within three months of closing this consultation. The report will be available at: www.dwp.gov.uk/childmaintenance/

Extra copies and other formats

- i You can order extra printed copies of the main White Paper from:

TSO (The Stationery Office)
PO Box 29
Norwich
NR3 1GN.

Phone: 0870 600 5522

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E-mail: book.orders@tso.co.uk

- j You can get a free copy of the Welsh version of the White Paper from the Child Maintenance Redesign team at the address shown in paragraph f. You can also find it on-line at: www.dwp.gov.uk/childmaintenance/
- k This executive summary is available in English, Welsh, Braille, and in both English and Welsh in large-print format and on audio cassette, free of charge. You can order them by contacting the Child Maintenance Redesign team.

Confidentiality

- l We may need to pass the information you send us to colleagues in the Department for Work and Pensions. We may also publish it in a summary of responses to the consultation, along with our response.
- m Because of the law about access to information that public organisations hold, we may at some time in the future, share some, or all of your information with other individuals, or the general public. If you would not want us to do this, please explain why as part of your answer. If it is possible that your information might be shared, we will consider your request. However, we cannot promise to keep your information secret or private. If you are worried about sharing information about yourself with other people, please limit what you tell or us, or do not tell us anything personal. If you want to talk to someone about this before you give us your views, please call Charles Cushing, his contact details are below.

Charles Cushing
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- n **You can find more information about the freedom of information act on the website of the Department for Constitutional Affairs – <http://www.dca.gov.uk/foi/guidance/exguide/index.htm>**

Feedback on our consultation

- o We value feedback on how well we consult. If you have any comments on the process of this consultation (as opposed to the issues raised), please contact the Department for Work and Pensions' consultation co-ordinator. In particular, please tell us if you feel that the consultation does not meet the conditions set out in paragraph 6.d. Please also make any suggestions as to how we can improve the process of consultation. Please contact:

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Department for Work and Pensions' Consultation Coordinator
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2, Ferensway
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HU2 8NF

Phone 01482 609571

E-mail Roger.Pugh@dwp.gsi.gov.uk

Consultation questions

p We have raised the following questions in the White Paper.

Question 1

Are the main principles and areas for detailed work that we have identified the right ones?

- How can we best encourage access by parents with care and non-resident parents?
- How can we best make a register of private maintenance agreements an attractive prospect to parents?
- How can Jobcentre Plus most effectively encourage parents claiming benefit to make an informed choice about maintenance? Page 38

Question 2

Do you think the three main aims for the new organisation (as set out in paragraph 3.14) are appropriate? Page 51

Question 3

Do the principles for moving forward set out in paragraph 3.21 provide the right approach? Page 53

Question 4

Is our approach of combining a simpler formula for assessment with a system for making exceptions the right one? Page 61

Question 5

Which of the three approaches outlined in paragraphs 4.25 to 4.27 is the one that we should use to decide what child maintenance parents should pay in a case of this kind? Page 66

Question 6

Are there other approaches to enforcement that we should consider? Page 77

Question 7

Is the shift from a mainly court-based enforcement system to an administrative approach the right way to make enforcement more effective? Page 77

Question 8

Are we right to give more focus to chasing collectable debt? Page 80

Question 9

Is our approach of introducing a law to write-off debts in limited circumstances the right one? Page 90

This publication is a summary of **A new system of child maintenance**. You can get the full report from The Stationery Office. See page 15 for details.

You can get extra copies of this publication free of charge from:

**Child Maintenance Redesign team
5th Floor
The Adelphi
1-11 John Adam Street
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Phone: 020 7962 8128**

If you have speech or hearing difficulties, you can contact us by textphone on 020 7712 2707. The lines are open Monday to Friday, 9am to 4pm.

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This summary is also available in Braille, and in both English and Welsh in large-print format and on audio cassette. These copies are available free of charge from the address shown above.

We will consider any extra requests for other formats that you may need.

The Child Maintenance White Paper, the summary version, and the accompanying Regulatory Impact Assessment are all available on-line at **www.dwp.gov.uk/childmaintenance/**



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