



Centre for Social Justice Response to Department for Work and Pensions Consultation Cm 7990:

Strengthening families, promoting parental responsibility: the future of child maintenance

28th April 2011

Introduction

We warmly welcome and endorse the guiding principles for these reforms, notably the recognition expressed in paragraph 5 that 'For families, dealing with separation typically involves not just the practical issues of arranging assets, but the emotional and related issues that arise from dealing with such a significant life event. As such, families need support that meets their individual needs around separation, to enable them to adjust to new circumstances.'

The centrality within these reforms of proposals for 'an integrated model of relationship and family support services, which helps parents make their own, lasting arrangements, because collaborative agreements, where this is possible, are better for everyone involved' (para 7) is also welcomed. Likewise we agree for the need to enable parents 'to have more responsibility in making their own informed choices to establish enduring post-separation arrangements' and that 'The State's involvement through the statutory child maintenance system should be focused on those parents who are not able to come to their own arrangement' (para 8) and provide value for money for the taxpayer.

Whilst we agree that parents who do not choose to make family-based arrangements should make a contribution towards the administration of maintenance, we do however express reservations about potentially regressive charging of parents for using the service, if simple percentages apply.

Similarly we express reservations about the perverse incentives that might come into operation if an *allegation* of domestic violence were sufficient for charges to be waived. **Obviously all reasonable safeguards should be applied to protect vulnerable parties** but there is a difference between being a victim of domestic violence and making an allegation. It is not clear how allegations would be tested to avoid a) fraudulent avoidance of financial liability and b) harm to children and falsely accused parties thereafter denied contact with their children.

Questions

Question One: Do you agree that maintenance should be more effectively integrated with other types of advice and support provided to families experiencing relationship breakdown to enable them to make arrangements?

We are in complete agreement with this as it is consistent with observations made in previous CSJ reports, such as *Every Family Matters* (CSJ 2009: 100) that although many resources and services broadly to do with families already exist, they were:

- Not joined up and rarely coordinated with other relevant local resources
- Not always well known locally or nationally;
- Not branded as a combined family relationship or parenting support service;
- Not uniformly accredited to national standards;
- Patchy across the country with some clear gaps in available resources.

Question Two: How best can maintenance support be integrated within the network of support services to better support families experiencing relationship breakdown to make family-based arrangements?

Proposals have been made in several CSJ reports for family service hubs that could operate from within current infrastructure such as children's centres and provide support for relationships before, during and after separation. Again, the report cited above states that 'One of the most common problems experienced by people undergoing relationship difficulties, especially in the immediate aftermath of separation, is where to find appropriate and reliable help, advice and support' (CSJ 2009: 101) Members of the Law Review producing this report become convinced that as well as the need for a much more joined-up provision of resources and services for families and parents, a national service should act as an umbrella organisation to specify and aid in the development of local coordinated services within family hubs. In the earlier Breakthrough Britain report (CSJ 2007) we argued that a Marriage and Relationships Institute should fulfil this function. A 'neutral' organisation would avoid a pathologising attitude to relationship support which assumes that all services are delivered at the point of crisis or breakdown, thus preventing an early intervention approach.

Lessons learned from the Australian experience of providing such community-based support include their need to be carefully branded with high standards, to gain the confidence of the public. Family hubs will not necessarily provide all of the services and resources, although they may do so in some instances. They will however coordinate what is available, identify what additional services and resources are needed and provide a service to the public to inform them of the available resources and services, which are appropriate for particular couples and families – in other words, act as a portal.

While there is merit in online and telephone-based services (and the consultation paper states that 60 per cent of users of the Couple Connection say they would not have used face-to-face support) many people will want to be in the same room as the person giving guidance and

visible, community-based services are likely to be far more effective in raising the profile of the support that is available and, crucially, in improving its cultural acceptability.

Question Three: What information, advice and support services should be integrated to assist families in making family-based arrangements?

We welcome paragraph 4 of the Consultation Paper which states that ‘Supporting families to prevent relationship breakdown is central to our vision for strong families. Where preventing family breakdown is possible, we must intervene early to help parents overcome problems they may face in their relationships and avoid more intractable problems developing. The same principles of early intervention and effective support apply to families who are separating or at risk of separation: family breakdown impacts can be long-lasting, for parents and children alike.’

It is our belief that services which strengthen family relationships, help families stay together and assist them through separation all need to be co-located, partly to reduce stigma in accessing them. This broad category includes help with parenting as well as managing couple relationships. Parents often need to access services that will help them keep their children’s best interests at the forefront of their minds throughout difficult family processes such as separation and bereavement/grief. Workshops on this and other subjects such as financial management could be part of an inclusive portfolio in each hub.

In the final report from the Family Law Review (CSJ 2009) we also made recommendations concerning mandatory *provision of information* about mediation (which would include elements concerning maintenance) much of which has been implemented through the Family Procedure Rules 2010 recently brought into force.

Question Four: What support around child maintenance is needed for the most vulnerable families to make family-based arrangements?

We agree that principles of early intervention (expressed in paragraph 28) should be applied with vulnerable families, with existing services reaching out to those in need, however the skill required to work in this field should not be underestimated. Children’s Centre-based specialist services that are able to work very carefully with couples are currently being cut because local authorities have are not working to an outcomes framework that values and measures relationship support and prevention of breakdown and/or conflict. We can, if required, provide examples of where important couple-based work is no longer being funded because of indiscriminate cuts and spending decisions that are not sufficiently outcomes-focused.

Question Five: Is the balance of burden of the proposed charges fair between the non-resident parent and parent with care?

We agree with the reasoning laid out in paras 30 and 31, that both parents should be incentivised to come to a family-based arrangement with a greater cost burden placed on the payer.

Question Six: Are parents being asked to make a fair contribution to the costs of delivering the statutory child maintenance system?

We agree with the broad principle of charging to use the statutory child maintenance system on the grounds that this provides a powerful incentive for parents who are divorcing or separating to consider alternatives to the statutory scheme and take responsibility for making family-based arrangements. However, those charges should not make the statutory scheme so expensive that it is effectively unavailable for those parents who may need it but are financially disadvantaged. We understand that the government has been advised to consider introducing a sliding scale of upfront application charges for poorer parents who are not in receipt of qualifying benefits and we share the concerns motivating this suggestion. Charging of parents for using the service is potentially regressive, if simple percentages apply.

Question Seven: How should the proposals in Chapter Two be tailored for separating families where there has been violence or a risk to the child?

Obviously all reasonable safeguards should be applied to protect vulnerable parties. However, we are concerned at the exemptions for charges where allegations of domestic violence have been made. Although we are aware of the extent of this problem in the UK today and are currently conducting our own research in this area, we are aware that these exemptions could provide perverse incentives for false allegations to be made, with the result that payment would be fraudulently avoided. In addition, parents who are the subjects of the allegations may be unfairly refused contact with their children with all the negative outcomes for those children that this entails.

Although we agree that mediation and collaboration may be entirely inappropriate where allegations of domestic violence have been made, this may not always be the case. Allegations should be appropriately tested and a more finely grained filter should be considered, with cases assessed on their own merits rather than blanket rules applying.

References

CSJ 2007 *Breakthrough Britain: Ending the Costs of Social Breakdown* ('Family Breakdown' Volume 1), Centre for Social Justice

CSJ 2009 *Breakthrough Britain: Every Family Matters*, Centre for Social Justice

