
WHERE NEXT FOR THE FAMILY TEST?

March 2016

THE CENTRE FOR
SOCIAL
JUSTICE

Introduction

‘Families are the best anti-poverty measure ever invented. They are a welfare, education and counselling system all wrapped up into one.’ — David Cameron, January 2016

The work of the Centre for Social Justice has repeatedly shown that strong, stable families are the foundation of society. For this reason, the CSJ was highly supportive of the Coalition Government’s decision in 2014 to introduce a Family Test for the impact of legislation on family life and stability. As the Test has been in place for over a year, the CSJ has decided to look at how it can be strengthened in order to further improve the impact that government policy has on families.

The following note was written following a roundtable meeting with policy experts and those with experience of government held under Chatham House rules in the House of Lords on 2 February 2016.

Context

In 2007, in *Breakthrough Britain*, the CSJ recommended that there should be an assessment of the likely impact on families of proposed policies directly or indirectly related to them.¹

In August 2011, in the aftermath of the riots, the Prime Minister said:²

‘If we want to have any hope of mending our broken society, family and parenting is where we’ve got to start. ... So: from here on I want a family test applied to all domestic policy. If it hurts families, if it undermines commitment, if it tramples over the values that keep people together, or stops families from being together, then we shouldn’t do it.’

Three years later this test was formalised into five questions that all civil servants need to consider when first developing policy and legislation and before it is put to ministers or introduced to Parliament. They are:³

- What kind of impact might the policy have on family formation?
- What kind of impact will the policy have on families going through key transitions such as becoming parents, getting married, fostering or adopting, bereavement, redundancy, new caring responsibilities or the onset of a long-term health condition?
- What impacts will the policy have on all family members’ ability to play a full role in family life, including with respect to parenting and other caring responsibilities?

1 http://www.centreforsocialjustice.org.uk/UserStorage/pdf/Pdf%20reports/BB_family%20break-down.pdf

2 <https://www.gov.uk/government/speeches/pms-speech-on-the-fightback-after-the-riots>

3 <https://www.gov.uk/government/news/first-ever-families-test-for-government-published>

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- How does the policy impact families before, during and after couple separation?
 - How does the policy impact those families most at risk of deterioration of relationship quality and breakdown?

The Government published guidance for government departments to help introduce an explicit family perspective to the policy making process, and to ensure that potential impacts on family relationships and functioning are made explicit and recognised in the process of policy development.⁴ It urges that the Family Test should be ‘thought of as part of the process of good policymaking, not a discrete step in the process.’ This guidance is not legally binding – it simply states how officials can comply with the Government’s wish that departments should consider the potential impact of their developing policies on families.

In 2015, Caroline Ansell MP introduced a Private Members Bill, the Assessment of Government Policies (Impact on Families) Bill 2015–16, which would legally require ministers to carry out an assessment of the impact of families by giving statutory effect to the family test.⁵ The Bill does not enjoy government support and stands no chance of becoming law.⁶

4 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/368894/family-test-guidance.pdf

5 <http://www.publications.parliament.uk/pa/bills/cbill/2015-2016/0026/15026.pdf>

6 See comments made by Minister of State for Employment, Priti Patel MP, at Second Reading <http://www.publications.parliament.uk/pa/cm201516/cmhansrd/cm151204/debtext/151204-0002.htm#15120444000005>

Taking the Family Test forward

Concerns have been raised that the Family Test in its current form is not achieving its full potential. In the debate on Caroline Ansell's Bill in December it was noted that a 'whole host of questions have been put to Departments' on their use of the family test and its impact on policy and what steps had been taken to publish the outcome of those assessments. The answers to those questions were described as 'limited'.⁷

The CSJ supports, in principle, the idea that the Family Test should be enshrined in law. Although there is a danger that this might create a simple, tick box bureaucratic process, if implemented properly it would mean that the Family Test would become an obligatory part of policy development. There is thought to be an understandable concern within government that statutory legislation would lead to an increase in costly and time-consuming judicial review, and any future amendments to the legal framework would need to consider how to keep such interventions to a minimum.

There are a number of existing 'test' requirements in law which have been successful, notably the Equality Act 2010 which requires government departments to 'have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage.'

Whilst the CSJ is aware that the current Government has, as yet, no intention of placing the Family Test on a statutory basis, there are many other ways in which its implementation could be strengthened. At the CSJ Roundtable we heard from people with a range of

7 <http://www.publications.parliament.uk/pa/cm201516/cmhansrd/cm151204/debt-ext/151204-0002.htm#1512044400000>

expertise in government about how the Test could be made more effective. Below we discuss their key observations.

Officials need better evidence

The CSJ heard that officials who are applying the Family Test need better evidence of what helps and what hurts families.

We heard that departments need to be helped to use the Family Test in preparing, designing and delivering policy rather than treating it as a means of checking policy once it is completed.

As the CSJ's work has previously shown, family stability can improve people's life chances and so decrease their reliance on public services. It is essential, however, that officials have the evidence to show how family stability can help them to achieve their department's aims. In order for this to happen, government departments need:

- To be able to understand, analyse and demonstrate how stable families enable them to further their core objectives;
- To be able to understand, analyse and demonstrate how unstable families create obstacles to them achieving their objectives.

Consequently departments need to collate an evidence base that will enable them to apply the family test in the formation of policy – this would amount to each department constructing its own Family Impact Statement.

External bodies, such as the third sector, can support them in this task by either presenting them with evidence already compiled or by conducting the research necessary to build up that evidence.

Similarly, teams of officials could be offered sessions on the importance of family stability to a host of outcomes and how they could save money over time. Indeed, the importance of being able to present officials and ministers with evidence of OBR scoreable savings over time was particularly emphasised.

Evidence should also be provided to officials to show how families are important to their department's goals in order to emphasise the usefulness of applying the Family Test. It would also be possible to encourage or require departments to draw up their own evidence for the positive impact of families on issues relevant to their work.

Such work would contribute, crucially, to persuading ministers that the Family Test would improve the work of their departments. There was consensus amongst the group that without ministerial buy-in a non-statutory Family Test was likely only to go so far.

Strengthening the Family Test

Having made family issues more central to departmental thinking, it will then be necessary to strengthen the application and accountability of the Test. The best means of ensuring that the Test is applied effectively would be to use the requirements drafted in Caroline Ansell's Bill, namely that the Government should:

- Apply the Test where relevant;
- Publish their assessment of the Test;
- Explain why the Test has not been applied where this is the case.

This process would create a public paper trail detailing a department's thinking on a particular issue and so create much greater transparency in each case and encourage full consideration of family issues.

On 10 February 2016 Iain Duncan Smith announced that the Cabinet Committee on Social Justice will take a lead in ensuring that the Family Test is being applied properly across government departments. It would be useful if it could also oversee the whole process outlined here.

Conclusion, recommendations and next steps

The success of the Family Test will require strong leadership – strong leadership from ministers, officials and the sector. Ministers need to ensure that the Family Test is used not as an after-thought but as integral part of policy development. Officials need to seek out evidence for the ways in which policy can both positively and negatively affect families. The third sector should feed into this process and help to provide officials with the evidence they need.

Consequently, the CSJ recommends that government departments collect and publish:

- Evidence of how greater family stability would advance their own agenda, encouraging external experts to submit evidence for consideration;
- How their departmental policy is supporting families and family stability;
- What further steps they are planning to take to support family stability.

Then, in the formation of policy, departments would be asked to:

- Apply the Test where relevant against this evidence base;
- Publish their assessment of the Test;
- Explain why the Test has not been applied where this is the case.

This information would then be shared amongst government departments and the Cabinet Committee on Social Justice, so as to allow the co-ordination of family stability work across government and would form part of the Cabinet write round process.

Where next for the Family Test?

The Cabinet Committee would then publish, on an annual basis:

- The objectives and targets of Government in relation to promoting strong and stable families;
- The Government's proposals and policies for meeting these objectives;
- The indicators that must be measured for the purposes of assessing the Government's progress towards these objectives; and
- The data on which the family stability indicators are based.

This process could be easily adapted so as to apply to local government. Cabinet leads could be charged with collecting and publishing the evidence on the significance of family stability and to applying the Test against this evidence.

As a next step, during 2016 the CSJ will convene a meeting of policy experts to gather the evidence base that is necessary for each Government department. This will create a benchmark document for Government departments to be able to build on.

About this report

On 2 February 2016, the CSJ convened a roundtable to discuss the 'where next for the Family Test' with a select group of stakeholders who work within this area of policy.

This report is the outcome of that discussion.

Organisations and individuals who participated in the roundtable included:

- Caroline Ansell MP
- Dr. Samantha Callan
- Family and Child Care Trust
- Fiona Bruce MP
- Marriage Foundation
- Heidi Allen MP
- Relate
- Imogen Atkinson, Researcher to David Burrowes MP
- Relationships Foundation
- Care for the Family
- One Plus One
- Tavistock Centre for Couple Relationships
- Rowena Cross
- Steve Double MP
- Marriage Care
- Tim Loughton MP

The CSJ would like to thank all who took part for their input, guidance and advice.



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