



# A REVIEW OF THE FAMILY TEST

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# About the Centre for Social Justice

The Centre for Social Justice (CSJ) is an independent think tank that studies the root causes of Britain's social problems and seeks to address these through innovative policy recommendations to government.

Over the last fourteen years the CSJ has changed the landscape of our political conversation by putting social justice at the heart of British politics. This has led to some of the biggest welfare reforms in a generation. The majority of the CSJ's work is organised around five 'pathways to poverty', first identified in our ground-breaking 2007 report, Breakthrough Britain. These are: family breakdown; educational failure; economic dependency and worklessness; addiction to drugs and alcohol; and severe personal debt.

Our research is informed by experts and just as importantly charities working to tackle poverty across the country. These charities form our alliance of small charitable organisations focused on some of our biggest social problems and their work is fundamental to our understanding of the issues faced by our poorest communities. The CSJ will continue to make the case to government and those developing policy for an ambitious approach to tackling poverty which focuses on the root causes of that poverty.

## The CSJ Family Policy Unit

The CSJ was one of the first think tanks to set out the extent of family breakdown and its impact on poverty. When we first published Breakdown Britain in 2006 we discovered a country where family breakdown was widespread in our poorest areas. We have continued to look carefully at how family breakdown entrenches poverty and limits the life chances of children growing up in poverty.

The Family Policy Unit has been established within the CSJ to make the case for a more ambitious approach to strengthening families as part of a wider government poverty strategy.

# Introduction by Steve Double MP and Baroness Eaton

We welcome this short review of the Government's Family Test by the Centre for Social Justice.

The Family Test was introduced by David Cameron in 2014 to ensure all government policy making was assessed for its impact on families. The intention at the time was to create a government focused on family by family proofing our policy making process. For many Parliamentarians this remains an important aspiration which is why we were happy to support this review and will be pressing the current Government to ensure the Family Test remains an important part of policy making.

Strengthening family life should always be a priority for governments. Stronger families improve outcomes for children <sup>1</sup> and the break-up of family relationships is often the quickest route into poverty. Recent evidence shows that on average couple families with children have a 1 in 4 chance of living in poverty compared to lone parents where this figure is more than half.<sup>2</sup> Government poverty figures show that children in families that break apart are more than twice as likely to experience poverty as those whose families stay together.<sup>3</sup> The consequence of families breaking up and the role of stronger families finds its way into every part of government which is why the Family Test is important.

There is new evidence that the general public support a government prioritising family within its policy making and rhetoric:

- Approaching three in four (72 per cent)<sup>4</sup> adults in Britain think that family breakdown 'is a serious problem and that more should be done to prevent families from breaking up'.
- More than eight out of ten adults (81 per cent)<sup>5</sup> think that 'stronger families and improved parenting are important in addressing Britain's social problems'.

This work by the CSJ uncovers new evidence that the Family Test is not being applied successfully by government departments and more can be done to successfully embed the Test in the process of making policy. Since the introduction of the Test in 2014, there have been 149 Parliamentary Questions from both Houses of Parliament on the Family Test demonstrating a strong interest in the successful delivery of the Test. Our hope is that this CSJ review will help the Government to assess the delivery of the Family Test and where needed to improve its application.

STEVE DOUBLE MP      BARONESS EATON

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1 <https://www.eif.org.uk/report/what-works-to-enhance-interparental-relationships-and-improve-outcomes-for-children>

2 Social Metrics Commission (2018) Available at <http://socialmetricscommission.org.uk>

3 David Cameron, Life Chances Speech, January 2016

4 Centre for Social Justice (CSJ)/ComRes polling of 2,026 adults between 2 August – 3 August 2017, To what extent do you agree or disagree with the following statements? Family breakdown is a serious problem in Britain today and more should be done to prevent families from breaking up.

5 Centre for Social Justice (CSJ)/YouGov polling of 1,665 adults between 31 July - 1 August 2017, How important, if at all, do you think stronger families and improved parenting are to addressing Britain's social problems?

# A review of the Family Test

*Because in many ways, it's the family where true power lies. So for those of us who want to strengthen and improve society, there is no better way than strengthening families and strengthening the relationships on which families are built.*

David Cameron, 2014.

## Background

The Centre for Social Justice (CSJ) first recommended that government policy be assessed against its potential impact on family as long ago as 2007 in our Breakthrough Britain reports.<sup>6</sup>

It was four years later, in a speech following widespread rioting in London and beyond, that the then Prime Minister David Cameron outlined his vision for the 'Family Test':

*"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 keeps people together, or stops families from being together, then we shouldn't do it."*<sup>7</sup>

The Family Test was introduced in 2014 as a series of questions by which all government policy making should be assessed. Despite the term 'Test', the intention was to encourage consideration of family at an early stage rather than a tick box exercise following policy decisions.<sup>8</sup>

The Family Test contains five questions<sup>9</sup> for policy makers and ministers to consider in the development of policy:

1. What kind of impact might the policy have on family formation?
2. What kind of impact will the policy have on families going through key transitions, like becoming parents, getting married, fostering or adopting, bereavement, redundancy, new caring responsibility, or the onset of long-term health conditions?
3. 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?
4. How does the policy impact families before, during and after couple separation?
5. How does the policy impact those families most at risk of deterioration of relationship quality and breakdown?

Responsibility for the Family Test lies within the Department for Work and Pensions (DWP) who have supported the application of the Test across government through guidance and advice since its inception.

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<sup>6</sup> Breakthrough Britain, Page 97

<sup>7</sup> David Cameron, 2011, <https://www.gov.uk/government/speeches/pms-speech-on-the-fightback-after-the-riots>

<sup>8</sup> DWP Guidance, The Family Test

<sup>9</sup> As laid out in the general Guidance for Government Departments, produced by the Department for Work and Pensions.

There is no obligation on ministers or departments to publish details relating to their application of the Test or even whether the Test has been applied to a specific policy.

Official guidance on applying the Family Test says, *'It is important that the application of the Family Test is **documented** in an appropriate way as part of the policy making process.'*<sup>10</sup> While a few departments were able to give examples of the Test being applied, no department was able to give us a definitive total number for how many times it has been applied. A number specifically said they hold no central record of when the Test has been applied (including DWP).

Where departments are guided to document when the Test is applied, they are also encouraged to publish the outcomes of the process. Our research finds very few departments do this in practice.

A lack of transparency related to the application of the Family Test has led to concern that the Test is not being applied across government in the way it was intended. Since the introduction of the Test in 2014, there have been 149 Parliamentary Questions from both Houses of Parliament on the Family Test. The CSJ has taken oral evidence from MPs who regularly place Parliamentary Questions on the application of the Family Test who have criticised the opaque responses provided by ministers to these questions.

This short report from the CSJ attempts to understand the extent to which individual government departments are applying the Test and its role in the policy making process.

The results from our survey of departments indicate that there is still more to do to ensure that family is considered within policy making.

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<sup>10</sup> DWP Guidance, The Family Test



# Methodology

In autumn 2018, Steve Double MP and Baroness Eaton wrote letters and submitted Parliamentary Questions to fourteen government departments – each with a clear domestic policy agenda – about their use of the Family Test.

This mirrored a previous research exercise undertaken by the Family and Childcare Trust (and other family policy organisations) in March 2016. The CSJ has tried to build on this work to acquire an up-to-date understanding of the application of the Family Test within the following departments:

- Cabinet Office
- Department for Business, Energy & Industrial Strategy
- Department for Digital, Culture, Media & Sport
- Department for Education
- Department for Environment Food & Rural Affairs
- Department for Transport
- Department for Work & Pensions
- Department of Health & Social Care
- HM Treasury
- Home Office
- Ministry of Defence
- Ministry of Housing, Communities & Local Government
- Ministry of Justice
- Government Equalities Office

Steve Double MP wrote to the Secretary of State in each department and asked the following questions:

1. *What guidance tools has your department developed to support the implementation of the Family Test, in addition to the generic guidance from the Department of Work and Pensions?*
2. *How has your department gone about incorporating the Family Test into the policy making process?*
3. *How many policy assessments has your department carried out under the Family Test guidance to date, and what has been the outcome of these assessments?*
4. *Are there any examples of Family Test assessments which you would be willing to allow us to publish as part of the review?*

In addition, Baroness Eaton submitted the following Parliamentary Question to the same fourteen government departments:

*'To ask Her Majesty's Government how many [Department name] policies have been assessed against the Family Test; and whether they will publish any such assessments.'*

Responses to both the letters and Parliamentary Questions were received from all fourteen of the departments contacted – each of which are included in the appendix of this report.

*Freedom of Information Request to HM Treasury:*

The departmental responses are supplemented by a response from the Treasury to a Freedom of Information (FOI) request. The FOI asked the following:

*'Under the Freedom of Information Act 2000, I ask that HM Treasury's tailored guidance on how to implement the Family Test in policy development be published. This guidance is in addition to the guidance published by the Department for Work & Pensions on the Family Test.'*

This was submitted following reference to internal guidance on the Family Test in the Treasury's response to Steve Double MP.

This report seeks to analyse responses to these letters and answers to Parliamentary Questions placed by Baroness Eaton.

# Summary of Findings

## Tailored guidance

- In addition to guidance provided by the DWP, a number of departments<sup>11</sup> have developed their own bespoke resources for applying the Family Test.
- The Ministry of Defence appears to have the most developed approach to applying the Family Test and its consideration of family within policy making through the 2016 UK Armed Forces Strategy, as well as a Service Families' Working Group:

*'A key component of the Families' Strategy, and the Working Group, is to ensure that Service Families are considered in people policy development, supporting the principles outlined in the Family Test. Applying these principles within Defence means going much further than responding to the questions posed in the Family Test guidance, and consideration of the impact on families is a clear thread in the official guidance considered at senior boards.'*<sup>12</sup>

Our research finds that, in addition to the general guidance produced by the DWP, nine departments have developed internal resources to assist civil servants and ministers in the application of the Family Test. Where we have found examples of bespoke departmental guidance being developed (for example, HM Treasury), this guidance is general in nature and does not extend to helping officials to understand how the policy responsibilities of their department specifically impacts on families.

## Training

- In oral evidence to the CSJ, officials have told us that they have taken steps to integrate the Family Test into Civil Service training for policy officials:

*'We are also working with Civil Service Learning and Policy Profession which operate across Government, to consider how the Family Test can be embedded within learning materials for policy officials, to strengthen capability in implementing the Test.'*<sup>13</sup>

In addition, a number of departments<sup>14</sup> also referenced steps taken to deliver bespoke training on the Family Test for new Civil Servants.

*'MHCLG has implemented a number of its own measures to ensure policy officials are aware of their Family Test obligations; these include the use of training courses and guidance.'*<sup>15</sup>

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<sup>11</sup> Departments that specifically mention internal guidance include HM Treasury, Ministry for Housing, Communities & Local Government, the Department for Education, Department for Digital, Culture, Media & Sport, the Department for Health & Social Care, the Ministry of Justice, the Department for Business, Energy & Industrial Strategy, the Department for Work & Pensions, and the Ministry of Defence.

<sup>12</sup> Letter from The Rt Hon Tobias Ellwood MP to Steve Double MP, 9th October 2018.

<sup>13</sup> Letter from Justin Tomlinson MP to Steve Double MP, 10th October 2018.

<sup>14</sup> Departments that specifically mention training programmes focused on the Family Test include the Department for Work & Pensions, the Department for Business, Energy & Industrial Strategy, HM Treasury, the Department for Environment, Food & Rural Affairs, Ministry for Housing, Communities & Local Government, the Department for Health & Social Care, and the Department for Transport.

<sup>15</sup> Letter from Rishi Sunak MP to Steve Double MP, 27th September 2018.



## The Family Test Network

- As the lead department, the DWP has recently established a Family Test Network with the purpose of both reviewing guidance related to the application of the Test and supporting its application across government. The DWP outlined the purpose of the Family Test Network in their response to our research:

*'[the network] aims to increase the capability of departments to use the Test by collaborating on identifying, developing and sharing effective practice. This new network will support this department in a review of the Family Test guidance and we will encourage Departments across Government to develop their own materials for policy officials, tailored to their particular policy context.'*<sup>16</sup>

- Several<sup>17</sup> respondents noted their involvement with the Family Test Network.

The Justice Secretary responded to Steve Double's letter, saying:

*'We are currently engaging with the Department for Work and Pensions (DWP) on strengthening the implementation of the Family Test through a new cross-government network which aims to strengthen the capability of departments to use the Test by collaborating on identifying, developing and sharing effective practice.'*<sup>18</sup>

## Examples of best practice

- A number of departments showed a clear commitment to applying the Family Test:

The Ministry of Defence showed clear evidence that it has understood and adopted the philosophy of the Family Test. The department has created a bespoke programme to ensure military families are considered throughout the policy making process. The department was able to provide numerous examples of measures taken to support military families; for example, the department invites representatives of families 'to directly influence policy decisions as stakeholders'<sup>19</sup>.

The Department of Health and Social Care clearly conveyed its insistence that everyone involved in the policy making process must have regard to the Family Test, and suitable action would be taken where there is no indication of it being used.

*'Our guidance for staff is clear: everyone involved in the policy-making process must have regard to it.'*<sup>20</sup>

*'Officials must indicate that the Family Test applies and has been considered; submissions with no indication of this will be returned.'*<sup>21</sup>

This clear expectation, backed up by relevant procedures, is essential in ensuring the application of the Family Test is effectively implemented.

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<sup>16</sup> Letter from Justin Tomlinson MP to Steve Double MP, 10th October 2018.

<sup>17</sup> Departments that specifically mention engagement with the Family Test Network include the Ministry of Justice, the Department for Education, the Cabinet Office, the Ministry for Housing, Communities & Local Government, the Department for Transport, and the Department for Business, Energy & Industrial Strategy.

<sup>18</sup> Letter from David Gauke MP to Steve Double MP, 13th November 2018.

<sup>19</sup> Letter from Rt Hon Tobias Ellwood MP to Steve Double MP, 9 October 2018.

<sup>20</sup> Letter from Caroline Dineage MP to Steve Double MP, 9th October 2018.

<sup>21</sup> Ibid.

## Departments that did not provide a meaningful response

- It is evident from responses to both Parliamentary Questions and correspondence to ministers that there is varying engagement with the Test across departments. While the Department for Business, Energy and Industrial Strategy has developed internal guidance and training, there seems to be a lack of recognition of the relevance of the Test to all areas of policy making:

*'The majority of BEIS policy areas do not have a direct impact on the formation, make-up, or breakdown of families'<sup>22</sup>.*

Some departments, such as the Department for Transport, have not gone as far as other departments in developing internal, bespoke guidance for officials:

*'DfT has not produced supplementary guidance but has so far relied on the guidance issued by DWP'<sup>23</sup>.*

Similarly, the Home Office does not appear to have developed internal guidance or training materials, and there is no mention of the Family Test Network in the response from the Minister.

Furthermore, a number of departments reference the fact that there is no obligation to record their application of the Test.

*'The Ministry of Justice does not collect information on the number of Family Test assessments completed. There is no requirement for departments to publish the results of assessments made under the Family Test'<sup>24</sup>.*

Similarly, the Department for Digital, Culture, Media and Sport report that they do not *'track the application of the Family Test in a systematic way'<sup>25</sup>.*

A more centralised, accountable approach would mitigate this and ensure all departments thoroughly consider the impact on the family.

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<sup>22</sup> Response from Lord Henley to Baroness Eaton's Parliamentary Question, 8 November 2018.

<sup>23</sup> Letter from Nusrat Ghani to Steve Double MP, 9th October 2010.

<sup>24</sup> Response from Lord Keen of Ellie to Baroness Eaton's parliamentary question, 7th November 2018.

<sup>25</sup> Letter from Tracey Crouch to Steve Double MP, 10th October 2018.

# Incorporating the Family Test into policy making

## Recording the application of the Family Test

Despite the intention for the Family Test to apply to all Government policy making, no department could provide a definitive answer regarding the number of times the Test had been applied. The closest to providing an answer to this question was the Department of Health & Social Care who said *'The Department has to date published more than 100 such assessments which are only available online.'*<sup>26</sup>

Publication of the Test appears to be very ad-hoc and not all departments provided examples of where the Test had been considered. For example the Department for Transport said no results had been published. This is contrary to official guidance which encourages departments to consider publishing the results of the Test.

There is some awareness within Government that the application of the Test could be made public through a FOI request. In response to the request submitted to the Treasury by the CSJ, it was revealed that the Treasury guidance on the Family Test says: "This (recording the application of the Test) is not an statutory duty, but there is a risk of judicial review or being (subject to an) FOI if not carried out"

*'We do not hold central records in this Department on where the Family Test has been applied so I am unable to provide you with data on how many assessments have been carried out nor their outcomes.'*<sup>27</sup>

*'I am unable to provide data on the number of Family Test assessments which have been completed as the Department does not collect this information.'*<sup>28</sup>

*'My department does not hold a central record of the amount of policies assessed against the Family Test. However potential impacts of policy on family functioning and relationships are identified and brought to the attention of Ministers where appropriate, and as part of the normal process of agreeing policy.'*<sup>29</sup>

*'The Department does not hold a central record of the number of assessments carried out under the Family Test since its inception, but we have published some of these assessments. For example, it was applied to measures in the 2016 Immigration Act (Part 5) and was published in the Policy Equality Statement.'*<sup>30</sup>

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<sup>26</sup> Response from Lord O'Shaughnessy to Baroness Eaton's parliamentary question, 19th September 2018

<sup>27</sup> Letter from Justin Tomlinson MP to Steve Double MP, 10th October 2018.

<sup>28</sup> Letter from David Gauke MP to Steve Double MP, 13th November 2018.

<sup>29</sup> Letter from Nadhim Zahawi MP to Steve Double MP, 1st October 2018.

<sup>30</sup> Letter from Caroline Noakes MP to Steve Double MP, 23rd October 2018.

## Examples of use of the Family Test

Eight departments<sup>31</sup> were able to provide specific examples of proactive application of the Family Test. They reflect the diversity of opportunity for the Test to be used across almost every department.

The Ministry of Housing, Communities, and Local Government used the Family Test to examine the National Planning Policy Framework in July 2018. The changes were deemed to not significantly impact family relations, but the department noted that higher density living would not be suitable for families. The findings were only briefly presented: the five questions were not individually addressed. The value in this assessment, however, lay in considering how to mitigate potentially adverse effects to family life.

The Department for Business Energy & Industrial Strategy (BEIS) scrutinised the National Minimum Wage Amendment in February 2018 to conclude it would benefit families due to higher wages. This was presented as three brief points in the appendix. It was encouraging in this instance to see the publication of the results.

BEIS also provides two other interesting case studies, one of which concerned Sunday Trading Rules in March 2016. Notably, and in line with government guidance, the Test allowed for a discussion of the various potential impacts of the policy. This was a good example of the Test being used as a tool for strengthening policy, rather than a simple tick-box exercise. Significantly, prior to the publication of this assessment, there had been three parliamentary questions asking whether this measure had been evaluated against the Family Test<sup>32</sup>.

The Department for Health and Social Care (DH) provided a detailed publication of the Family Test for the new contract for NHS doctors and dentists in training (March 2016). In contrast to most examples, this document directly used the five questions from the Test. The assessment concludes that changes to the training schedules would have a positive impact on family life. Again, it is notable that this assessment was published following a written question.<sup>33</sup>

In September 2015, the Home Office applied the Family Test to the proposed Immigration Bill.

*'Any impact on illegal migrant families while they remain in the UK which results from those changes is temporary until their point of departure, so the Family Test is not formally engaged.'*

This highlights a common distinction between 'formal' use of the Test and an approximate assessment to see whether the families might or might not be impacted. In this example, the Home Office does not deem it necessary to undertake the process of applying the five individual questions of the Test. Greater rigour from departments would ensure all five questions are, where appropriate, adequately addressed rather than 'the family' dismissed as irrelevant.

From this brief look at examples of the Family Test, it appears that there is often superficial engagement with the Test and little regard to the five component questions that comprise the Test. We are concerned that in examining responses from departments there seems to be a lack of awareness of the role of family within the policy objectives of each department.

31 Departments that provided specific examples of where the Family Test has been applied include the Department for Business, Energy & Industrial Strategy, the Department for Health & Social Care, the Ministry of Housing, Communities & Local Government, the Department for Education, the Ministry of Defence, the Home Office, the Department for Digital, Culture, Media & Sport, and the Government Equalities Office.

32 <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-questions-answers/?answered-from=2014-06-04&answered-to=2019-01-09&house=commons%20clords&keywords=family-test&max=100&page=2&questiontype=AllQuestions&use-dates=True>

33 Asked by Justin Madders, 8th March 2016; and answered by Ben Gummer 11th March 2016

# Recent legislative attempts to reform the Family Test

## Caroline Ansell's Private Member's Bill: Assessment of Government Policies (Impact on Families) Bill 2015-16

On 24<sup>th</sup> June 2015, Caroline Ansell presented the Assessment of Government Policies (Impact on Families) Bill to Parliament, which sought to make it a statutory requirement for ministers of all departments to conduct the Family Test. The debate on the Second Reading began on Friday 4<sup>th</sup> December 2015. These were the key proposals to the Bill:

- Require ministers to undertake an assessment of the impact of government policies on families by giving statutory effect to the family Test. If the Test is not relevant, a statement should be issued to that effect.
- To place a duty on the Secretary of State to make a report on the costs and benefits of requiring local authorities to carry out equivalent Tests on their policies
- To require the Secretary of State to establish, and make an annual report on, indicators of and targets for the government's performance in promoting family stability; and for connected purposes.

Presenting the bill, Caroline argued:

*'I know that we cannot legislate strong families into being, but we can ensure that legislation in no way undermines those families, and only strengthens them. I believe that the future of our society rests on that.'*<sup>34</sup>

Priti Patel, Minister for Employment, acknowledged *'the importance of the family as a basic building block in a successful and stable society'* and that it would *'inevitably take a while to embed'*.<sup>35</sup>

However, the Government opposed the Bill, and in particular felt that placing the Family Test on a statutory footing *'runs the risk of turning the Test into a tick-box exercise across Government Departments, when our ambition is to work across government with Departments to embed the benefits of thinking about policy from a family perspective at all stages of policy development, not just complying with legislative requirements.'*<sup>36</sup>

## Lord Farmer's Family Relationships (Impact Assessment and Targets) Bill

Two years later, there was another proposed legislative change to the Family Test, with the presentation of Lord Farmers' Family Relationships (Impact Assessment and Targets) Bill. The key changes included the following:

- Require public bodies to accompany any proposal for a change in public expenditure, administration or policy with a family impact assessment. If it is not deemed relevant, publish a statement concluding that the family impact assessment is not needed.
- To require the Secretary of State to report on the costs and benefits of extending family impact assessments to local authorities within six months of the passing of the legislation.
- To establish and evaluate progress towards objectives and targets for family stability. It was intended that the Secretary of State in each department would be responsible for publishing an annual report on the progress made towards the achievement of these objectives. These objectives and targets would be reviewed every three years.

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34 [https://hansard.parliament.uk/commons/2015-12-04/debates/15120444000005/AssessmentOfGovernmentPolicies\(ImpactOnFamilies\)Bill](https://hansard.parliament.uk/commons/2015-12-04/debates/15120444000005/AssessmentOfGovernmentPolicies(ImpactOnFamilies)Bill).

35 Ibid

36 [https://hansard.parliament.uk/commons/2015-12-04/debates/15120444000005/AssessmentOfGovernmentPolicies\(ImpactOnFamilies\)Bill](https://hansard.parliament.uk/commons/2015-12-04/debates/15120444000005/AssessmentOfGovernmentPolicies(ImpactOnFamilies)Bill).

In contrast to the current guidance, the Bill proposed that each Family Impact Assessment would assess and record whether the policy in question would ultimately have a negative or positive impact on families. When the impact was deemed negative, the department would be required to demonstrate how it would mitigate this impact. Furthermore, the department must then clearly indicate their reasons for deciding to pursue the policy in spite of its impact on families.<sup>37</sup>

In February 2018, the Bill reached its second reading. Speaking to the House, Lord Farmer said, *'The Bill would put family impact assessments and their publication on a statutory footing and require the Secretary of State to report annually on progress towards family stability targets and objectives.'*<sup>38</sup>

Lord Farmer highlighted what he viewed as two weaknesses with the current Test:

Firstly, he suggested that it is *'highly discretionary, voluntaristic and opaque in its operation'*. The lack of legal obligation to undertake the Test nor publish its results means that *'the family Test is unlikely to achieve the cultural change in policy-making that was its original intent.'*<sup>39</sup>

In accordance with the title of the Bill, Lord Farmer suggested that the name "Family Test" was problematic. Lord Farmer argued that it implies a pass or fail judgment on a government policy instead of a careful assessment of its effects on families in the round. He argued that Family Impact Assessment would better reflect the aims and purposes of the Test.

### Family Impact Assessments: The International Context

There is significant international precedent for the Family Impact Assessment (FIA). FIAs originated in America in the 1970s as part of a broader movement for family-centred practice and policy. Whilst family orientated policy in America remains limited, other countries have gone on to adopt FIAs<sup>40</sup>. Hong Kong, for instance, made it a mandatory requirement in 2013 for all policy submissions to be assessed against their impact on families. This built on the voluntary checklist that examined the impact on the family in 2009<sup>41</sup>.

In contrast, FIAs have been statutory in Australia since 1988. However, each published assessment has to be a short statement looking at the possible impact on family roles and duties. The need for brevity is required in the FIA guidelines. They are a short list of sub-headings: types, roles, functions, care of children, target groups, and co-ordination<sup>42</sup>.

Family proofing therefore is not unique to the UK. It has been used internationally to implant a family perspective through the entire policy-making process.

37 <https://publications.parliament.uk/pa/bills/cbill/2017-2019/0205/18205.pdf> 17 <https://hansard.parliament.uk/lords/2018-02-23/debates/A7835A8C-B135-4608-B9D8-DAE2B55C8101/Debate>.

38 [https://hansard.parliament.uk/lords/2018-02-23/debates/A7835A8C-B135-4608-B9D8-DAE2B55C8101/FamilyRelationships\(ImpactAssessmentAndTargets\)Bill\(HL\)](https://hansard.parliament.uk/lords/2018-02-23/debates/A7835A8C-B135-4608-B9D8-DAE2B55C8101/FamilyRelationships(ImpactAssessmentAndTargets)Bill(HL))

39 [https://hansard.parliament.uk/lords/2018-02-23/debates/A7835A8C-B135-4608-B9D8-DAE2B55C8101/FamilyRelationships\(ImpactAssessmentAndTargets\)Bill\(HL\)](https://hansard.parliament.uk/lords/2018-02-23/debates/A7835A8C-B135-4608-B9D8-DAE2B55C8101/FamilyRelationships(ImpactAssessmentAndTargets)Bill(HL))

40 [https://www.relationshipsfoundation.org/wp-content/uploads/2014/02/Family\\_Proofing\\_Policy.pdf](https://www.relationshipsfoundation.org/wp-content/uploads/2014/02/Family_Proofing_Policy.pdf)

41 Y. K. Lau, 'Family impact analysis in Hong Kong: A Proposed Framework', 2014.

42 [https://www.relationshipsfoundation.org/wp-content/uploads/2014/02/Family\\_Proofing\\_Policy.pdf](https://www.relationshipsfoundation.org/wp-content/uploads/2014/02/Family_Proofing_Policy.pdf)



In the subsequent debate, a number of considerations were given by other members of the House of Lords:

- Lord Kirkwood of Kirkhope suggested that enforcement of the Test should be made more robust. If the DWP is unable to ensure its enforcement, then it should go to the Cabinet Office, for example.
- Baroness Stroud noted that officials who applied the Family Test needed better evidence of what strengthens and what weakens families, and that departments needed to be helped to use this evidence base when preparing, designing and delivering policy rather than treating an impact assessment as a means of checking policy once it had been decided.

The Bill passed its Third Reading in the Lords on the 26<sup>th</sup> April 2018 and was sent to the Commons. Its Second Reading in the Commons has since been deferred at the point of writing.

Once again, the importance of embedding a family perspective into the policymaking process was highlighted. It has been felt by many that the way to truly and effectively achieve this is to place the Test on a statutory footing.

# A Literature Review:

## Implementing the Family Test: A Review of Progress One Year On (2015)

In March 2016, The Family and Childcare Trust, Relate, and Relationship Foundation, supported by 14 other charities, reviewed the Family Test one year after its introduction.

The four questions asked by Steve Double MP in his letters to ministers in 2018 were based on the same four questions asked by the Family and Childcare Trust in 2016.

The responses revealed a variety of approaches towards the Family Test. Only three departments, one of which was the DWP, were able to refer to instances in which the Family Test had been applied, while several provided good examples of proactive implementation of the Test. Five departments had produced internal tailored advice on how to use the Test, in addition to DWP guidance. However, four departments were unable to meaningfully say whether, or how, the department was implementing the Family Test.

Based on these disparities, this report argues that the Test should be placed on a statutory footing. They also suggested ways of increasing the accountability of the Test, such as publishing an annual review reporting on its performance and developing and publishing tools and resources to support departments in applying the Family Test. They also recommended that the Government should examine the feasibility of a local Family Test, and the devolved administrations should develop their own Family Tests.<sup>43</sup>

## Where Next for the Family Test (March 2016)

In 2016, the CSJ held a roundtable meeting with policy experts and those who had experience of using the Family Test within government. The purpose of the meeting was to reflect on how the Test could be strengthened to further improve its impact. The results were produced in a note, "Where next for the Family Test?"

The CSJ acknowledged the difficulties, cost, and time involved in making the Test compulsory; however, its assessment revealed weaknesses within the current system and suggested that these could be overcome in two primary ways:

### 1. Providing officials with better evidence

*'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.'*

The CSJ recommended that each government department should understand how families could help and hinder their objectives. It was suggested that external bodies could help build up this necessary, evidence-based knowledge.

### 2. 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.'*

Caroline Ansell's Private Members Bill was recommended as a model to follow:

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

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<sup>43</sup> Implementing the Family Test, Family and Childcare Trust.

## Recommendations

*'We know that there is work left to do in order to ensure that the Family Test becomes fully embedded in every department.'*<sup>44</sup>

We are sympathetic to the view expressed by ministers and officials that making the Family Test a statutory obligation would create a tick box culture contrary to the original intentions of the Test. We have also tried to avoid repeating this argument following oral evidence to us which suggests that in doing so the Family Test would become "a political football".

### The role of ministers:

We have heard examples where ministers have rejected advice or proposals if the Test had not been applied and we would like to see this practice extended. The CSJ recommends that individual ministers confirm that they will reject submissions that have not clearly been assessed against the Family Test. In addition the Cabinet write-round process should be amended so that a clear statement on the application of the Family Test is made to Cabinet Members as part of this process.

### Applying the Test:

The CSJ also recommends amendments to the process of applying the Test across the government:

- Make better use of external expertise (for example, the Relationships Alliance) by creating an expert reference group. This group should be formalised through a paid expert chairperson who would act as a lead to the group. The group would assist with difficult policy questions relating to the Test.
- The group would also help each department establish an evidence base on issues relating to the family.
- Introduce a government-wide duty to record the application of the Test to be published on a regular basis. This new duty to record would strengthen existing guidance to record the application of the Test. A duty to record would involve a statement from each department on the number of times the Test had been applied.

### Departmental responsibilities:

Each department should devise its own structures to ensure greater application of the Family Test. Each department should:

- Amend departmental Business Plans to include the Family Test and their departmental objectives related to the family and how the work of the department impacts on families.
- Appoint a named senior policy lead, as is the case within the Cabinet Office, who would be tasked with strengthening the Family Test Network and spreading expertise within their department.
- Related to this amendment to departmental Business Plans, each department should be required to develop its own bespoke internal guidance to officials and publish this guidance in a statement. This should encourage greater consideration of the Test by departments without the need to outline individual assessments.

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<sup>44</sup> Letter from Rt Hon David Lidington CBE MP to Steve Double MP, 26th September 2018

## Appendix 1: Parliamentary Questions submitted by Baroness Eaton

### Department for Business, Energy and Industrial Strategy:

*Asked on 25th October 2018*

*To ask her Majesty's Government how many Department for Business, Energy and Industrial Strategy policies have been assessed against the Family Test; and whether they have published the outcome of any such assessments.*

Answered by Lord Henley, 8th November 2018

The Government is committed to supporting families. In order to achieve this, in 2014 we introduced the Family Test, which aims to ensure the impacts on family relationships and functioning are recognised early on during the process of policy development and help inform the policy decisions made by Ministers.

The majority of BEIS policy areas do not have a direct impact on the formation, make-up, or breakdown of families. However, where these impacts are relevant, the Family Test is applied to policy changes in a proportionate manner. Officials leading directly on the policy development are responsible for undertaking this analysis, and for advising Ministers on these impacts.

When applicable, analysis on family impacts is included within impact assessments, which are publicly available. This analysis is usually qualitative in nature, as it is difficult to make quantitative estimates on the impacts from policy changes. Following implementation of the policy, BEIS monitors and reviews its impacts in a proportionate manner.

### Ministry of Justice:

*Asked on 25th October 2018*

*To ask her Majesty's Government how Ministry of Justice policies have been assessed against the Family Test; and whether they have published the outcome of any such assessments.*

Answered by Lord Keen of Elie, 7th November 2018

The Government is committed to supporting families. To achieve this, in 2014 we introduced the Family Test, which aims to ensure the impacts on family relationships and functioning are recognised early on during the process of policy development and help inform the policy decisions made by Ministers. The Ministry of Justice does not collect information on the number of Family Test assessments completed. There is no requirement for departments to publish the results of assessments made under the Family Test.

### Government Equalities Office:

*Asked on 25th October 2018*

*To ask her Majesty's Government how many Government Equalities Office policies have been assessed against the Family Test; and whether they have published the outcome of any such assessments.*

Answered by Baroness Williams of Trafford, 7th November 2018

The government is committed to supporting families. To achieve this, in 2014 we introduced the Family Test, which aims to ensure the impacts on family relationships and functioning are recognised early on during the process of policy development and help inform the policy decisions made by Ministers. There is no requirement for departments to publish the results of assessments made under the Family Test.

## Department of Health and Social Care:

*Asked on 5th September 2018*

*To ask her Majesty's Government how many Department of Health and Social Care policies have been assessed against the Family Test; and whether they have published the outcome of any such assessments.*

Answered by Lord O'Shaughnessy, 19th September 2018

The Department does not hold this information. However, it is a Departmental requirement for all submissions to Ministers, including policy submissions, to cover all relevant legal duties including the Family Test.

The Department has to date published more than 100 such assessments which are only available online.

## Ministry of Defence:

*Asked on 5th September 2018*

*To ask her Majesty's Government how many Ministry of Defence policies have been assessed against the Family Test; and whether they have published the outcome of any such assessments.*

Answered by Earl Howe, 19th September 2018

The government is committed to supporting families. To achieve this, in 2014 we introduced the Family Test, which aims to ensure the impacts on family relationships and functioning are recognised early on during the process of policy development and help inform the policy decisions made by Ministers. There is no requirement for departments to publish the results of assessments made under the Family Test.

## Ministry of Housing, Communities and Local Government:

*Asked on 5th September 2018*

*To ask her Majesty's Government how many Ministry of Housing, Communities and Local Government policies have been assessed against the Family Test; and whether they have published the outcome of any such assessments.*

Answered by Lord Bourne of Aberystwyth, 19th September 2018

The government is committed to supporting families. To achieve this, in 2014 we introduced the Family Test, which aims to ensure the impacts on family relationships and functioning are recognised early on during the process of policy development and help inform the policy decisions made by Ministers. There is no requirement for departments to publish the results of assessments made under the Family Test.

## Cabinet Office:

*Asked on 4th September 2018*

*To ask her Majesty's Government how many Cabinet Office policies have been assessed against the Family Test; and whether they have published the outcome of any such assessments.*

Answered by Lord Young of Cookham, 18th September 2018

The government is committed to supporting families. To achieve this, in 2014 we introduced the Family Test, which aims to ensure the impacts on family relationships and functioning are recognised early on during the process of policy development and help inform the policy decisions made by Ministers. There is no requirement for departments to publish the results of assessments made under the Family Test.

## Department for Education:

*Asked on 4th September 2018*

*To ask her Majesty's Government how many Department for Education policies have been assessed against the Family Test; and whether they have published the outcome of any such assessments.*

Answered by Lord Agnew of Oulton, 18th September 2018

The Department for Work and Pensions published guidance for departments and officials on how the Family Test should be applied when formulating policy and my department follows that guidance, which is attached and can be found at: <https://www.gov.uk/government/publications/family-test-assessing-the-impact-of-policies-on-families>.

We do not hold a central record of the amount of policies assessed against the Family Test as it is an integral part of the policy making process. It is applied in a proportionate way in the development of all new policy in line with the Family Test guidance. As a result potential impacts of policy on family functioning and relationships have been identified and brought to the attention of Ministers where appropriate, and as part of the normal process of agreeing policy.

We have published assessments of the impact on families on a number of occasions when legislation was introduced to Parliament.

The Childcare Act 2016 assessment can be found attached and also at: <https://www.gov.uk/government/publications/childcare-bill-impact-assessment>

The Education and Adoption Act 2016 assessment can be found attached and also at: <https://www.gov.uk/government/publications/education-and-adoption-bill-impact-assessment>

The Higher Education and Research Act 2017 assessment has been placed in the Libraries of both Houses and can also be found at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/528005/bis-16-295-he-research-bill-detailed-impact-assessment.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/528005/bis-16-295-he-research-bill-detailed-impact-assessment.pdf).

The Children & Social Work Act 2017 assessment has been placed in the Libraries of both Houses and can also be found at: <https://www.parliament.uk/documents/impact-assessments/IA16-008.pdf>.

## Department for Environment, Food and Rural Affairs:

*Asked on 4th September 2018*

*To ask her Majesty's Government how many Department for Environment, Food and Rural Affairs policies have been assessed against the Family Test; and whether they have published the outcome of any such assessments.*

Answered by Lord Gardiner of Kimble, 18th September 2018

The Government is committed to supporting families. To achieve this, in 2014 we introduced the Family Test, which aims to ensure that impacts on family relationships and functioning are recognised early on during the process of policy development and help inform the policy decisions made by Ministers. There is no requirement for departments to publish the results of assessments made under the Family Test.

The Family Test is an integral part of the policy making process and is applied in a proportionate way in the development of all new policy in line with the Family Test guidance.



## Department for Digital, Culture, Media and Sport:

*Asked on 4th September 2018*

*To ask her Majesty's Government how many Department for Digital, Culture, Media and Sport: Families policies have been assessed against the Family Test; and whether they have published the outcome of any such assessments.*

Answered by Lord Ashton of Hyde, 14th September 2018

The government is committed to supporting families. To achieve this, in 2014 we introduced the Family Test, which aims to ensure that impacts on family relationships and functioning are recognised early on during the process of policy development and help inform the policy decisions made by Ministers. There is no requirement for departments to publish the results of assessments made under the Family Test.

## Department for Transport:

*Asked on 4th September 2018*

*To ask Her Majesty's Government how many Department for Transport policies have been assessed against the Family Test; and whether they will publish any such assessments.*

Answered by Baroness Sugg, 14th September 2018

The government is committed to supporting families. To achieve this, in 2014 we introduced the Family Test, which aims to ensure that impacts on family relationships and functioning are recognised early on during the process of policy development and help inform the policy decisions made by Ministers. There is no requirement for departments to publish the results of assessments made under the Family Test.

## Treasury:

*Asked on 5th September 2018*

*To ask Her Majesty's Government how many HM Treasury policies have been assessed against the Family Test; and whether they will publish any such assessments.*

Answered by Lord Bates, 14th September 2018

The government is committed to supporting families. To achieve this, in 2014 we introduced the Family Test, which aims to ensure that impacts on family relationships and functioning are recognised early on during the process of policy development and help inform the policy decisions made by Ministers. There is no requirement for departments to publish the results of assessments made under the Family Test.

## Home Office:

*Asked on 5th September 2018*

*To ask Her Majesty's Government how many Home Office policies have been assessed against the Family Test; and whether they will publish any such assessments.*

Answered by Baroness Williams of Trafford, 13th September 2018

The Home Office applies the Family Test, if appropriate and proportionate, to new policies and legislation that might have an impact on the family, to ensure strong and stable family relationships are supported, not undermined. The Government's guidance on the family test is available on Gov.uk.

## Department for Work and Pensions:

*Asked on 5th September 2018*

*To ask Her Majesty's Government how many Department for Work and Pensions policies have been assessed against the Family Test; and whether they will publish any such assessments.*

Answered by Baroness Buscombe, 11th September 2018

The government is committed to supporting families. To achieve this, in 2014 we introduced the Family Test, which aims to ensure that impacts on family relationships and functioning are recognised early on during the process of policy development and help inform the policy decisions made by Ministers. There is no requirement for departments to publish the results of assessments made under the Family Test.

## Appendix 2: Letter to Secretaries of State from Steve Double MP

Dear Secretary of State,

### APPLICATION OF THE FAMILY TEST:

Four years ago the government set out a Family Test to be applied to all government policy. This Test and guidance on its application was launched in October 2014 with five questions for policy makers to assess all government policy for its impact on families.

While the Family Test is not a statutory requirement the expectation when the Test was launched was that it would be applied to all policy making with Departments.

Alongside a number of other colleagues and the Centre for Social Justice I am working on a review of the Family Test and its implementation across government. I would be grateful if officials in your Department would be willing to answer the following questions on the implementation of the Family Test to support this work:

1. What guidance or tools has your department developed to support implementation of the Family Test, in addition to the generic guidance from the Department of Work and Pensions?
2. How has your department gone about incorporating the Family Test into the policy making process?
3. How many policy assessments has your department carried out under the Family Test guidance to date, and what has been the outcome of these assessments?
4. Are there any examples of Family Test assessments which you would be willing to allow us to publish as part of the review?

This information will be published by the Centre for Social Justice in due course as part of a wider investigation into family policy across government.

I am grateful for your time and that of officials in responding to this enquiry.

Best wishes,

**STEVE DOUBLE MP**

## Appendices



**Department  
for Environment  
Food & Rural Affairs**

**The Rt Hon Michael Gove MP**  
From the Secretary of State for Environment,  
Food and Rural Affairs

Seacole Building  
2 Marsham Street  
London  
SW1P 4DF

T 03459 335577  
defra.helpline@defra.gsi.gov.uk  
www.gov.uk/defra

Steve Double MP  
House of Commons  
London  
SW1A 0AA

Your ref: SSD/SY/FAMILYTEST  
Our ref: MC2018/19521

16a November 2018

*Dear Steve,*

Thank you for your letter of 6 September about the application of the Family Test. I apologise for the unacceptable delay in responding.

The government is committed to supporting families. To achieve this, in 2014 we introduced the Family Test, which aims to ensure that impacts on family relationships and functioning are recognised early on during the process of policy development and help inform the policy decisions made by Ministers.

In Defra we provide all policy teams with the latest guidance from Better Regulation Executive (BRE) – which includes the Family Test as part of its “Issues to be considered in appraisal and evaluation”; in addition we run internal training where we cover descriptions of how to consider the impacts on family which are reported within the latest Impact Assessment published by the BRE under the heading of ‘wider impacts’. Policy teams are trained to consider the impacts on families in early stages of policy formation and apply the Family Test in a proportionate way throughout the development of all new policy in line with the guidance.

Policy makers at Defra consider the direct and indirect effects of any proposed changes in policy, including (but not limited to) health, environment, standards of living and inequality. The family impact test is useful as it helps policy makers consider whether there is any potential unintended impacts on families; and this is generally included at the early stages of policy development. Due to the nature of the Defra’s work there have been no changes in regulation that have been found to have impacts on family of the kind described in the five questions in the test:

1. What kinds of impact might the policy have on family formation?
2. 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?
3. 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?
4. How does the policy impact families before, during and after couple separation?
5. How does the policy impact those families most at risk of deterioration of relationship quality and breakdown?

I hope this information will prove helpful when publishing your findings.

Thank you again for your letter.

With every good wish,

Michael Gove

*Yours  
Michael*





13 November 2018

Dear Steve

#### APPLICATION OF THE FAMILY TEST

Thank you for your letter of 6 September regarding your request for information to assist you with your review of the Family Test and its implementation across government departments. I sincerely apologise for the delay in your reply to your original letter, but department has no record of receiving it.

I note that you have asked for responses to the following four questions:

1. What guidance tools has your department developed to support the implementation of the Family Test, in addition to the generic guidance from the Department of Work and Pensions?
2. How has your department gone about incorporating the Family Test into the policy making process?
3. How many policy assessments has your department carried out under the Family Test guidance, to date, and what has been the outcome of these assessments?
4. Are there any examples of Family Test assessments which you would be willing to allow us to publish as part of the review?

With regard to the first question, we are currently engaging with the Department for Work and Pensions (DWP) on strengthening the implementation of the Family Test through a new cross-government network which aims to strengthen the capability of departments to use the Test by collaborating on identifying, developing and sharing effective practice.

Policy leads are also encouraged to attend meetings organised by DWP which has produced guidance about the Test for government departments. These meetings have raised awareness of the issues policy makers should consider when applying the Test and looked at ways to develop of learning resources for policy makers. Additionally, all policy teams within the department have been given internal guidance on the Family Test in terms of the processes to be followed and the importance of applying the Test in policy making.

In relation to the second question, as part of the policy making process in my Department, the Test is applied in a proportionate way in the development of new policy in line with the DWP's guidance. Any potential impacts of policy on family functioning and relationships should be identified and brought to the attention of Ministers where appropriate as part of the normal process of agreeing policy.



In respect of the third question, I am unable to provide data on the number of Family Test assessments which have been completed as the Department does not collect this information.

With regard to the fourth question, it has not been possible to identify Family Test assessments that are regarded as finalised to publish as part of your review. Assessments can change over the course of the policy-making process and assessments made at one stage can change during the development of the policy. However, I have asked my officials to bear your request in mind in relation to future Family Test assessments.

I wish to thank you for your support of the Family Test.

Yours ever  


**RT HON DAVID GAUKE MP**

MC2018/15504



HM Treasury, 1 Horse Guards Road, London, SW1A 2HQ

Steve Double MP  
House of Commons  
London  
SW1A 0AA

21 SEP 2018

Your ref: SDD/SY/FAMILYTEST

Dear Steve,

Thank you for your letter of 6 September to the Chancellor of the Exchequer about the Family Test. I am replying as the Minister responsible for this policy within HM Treasury.

I would like to reassure you and other members, as well as the Centre for Social Justice, that the Government is committed to ensuring that the potential impacts on families of all policies are carefully taken into account. Use of the Family Test introduces an explicit family perspective into policymaking across government. This ensures that potential impacts on family relationships and functioning are made clear and recognised in that process.

To address each of your questions in turn:

1. HM Treasury has its own set of tailored internal guidance on how to implement the Family Test in policy development, in addition to the guidance published by the Department for Work and Pensions.
2. The Treasury has incorporated the Family Test into the policymaking process by ensuring that all relevant policy officials are made aware of their obligations under the test – they are specifically reminded of this at relevant training and at staff events within the department.
3. The department does not currently centrally record the number or outcomes of Family Test assessments and instead focuses on ensuring relevant officials are aware of their obligations under the test.
4. The Government does not currently publish Family Test assessments.

Thank you again for your letter.

Best wishes,

A handwritten signature in black ink, appearing to read "Elizabeth Truss".

RT HON ELIZABETH TRUSS MP





Home Office

Rt Hon Caroline Nokes MP  
Minister of State for Immigration

2 Marsham Street,  
London SW1P 4DF  
[www.gov.uk/home-office](http://www.gov.uk/home-office)

Steve Double MP  
House of Commons  
London  
SW1A 0AA



HOCS Reference: MIN/0014050/18  
Your Reference: SDD/SY/FAMILYTEST

23 OCT 2018

*Dear Steve*

Thank you for your letter of 6 September to the Home Secretary about the application of the Family Test. I am replying as the Minister of State for Immigration. I am sorry for the delay in my response.

The Home Office supports the use of the Family Test and welcomes the Centre for Social Justice's research. Strong and stable families and family relationships, in all their forms, play a key role in our society. A wide range of Home Office responsibilities have direct and indirect impacts on families.

Our Department applies the Family Test, if appropriate and proportionate, to new policies and legislation that might have an impact on the family, to ensure strong and stable family relationships are supported and not undermined. For example, it was applied in the 2017 review of Asylum Support Rates, to assess the impact that the support provided would have on households.

The Government's guidance on the family test is available on GOV.UK. Officials consult the official guidance from the Department for Work and Pensions as appropriate.

The Department does not hold a central record of the number of assessments carried out under the Family Test since its inception, but we have published some of these assessments. For example, it was applied to measures in the 2016 Immigration Act (Part 5) and was published in the Policy Equality Statement.

*Yours ever  
Caroline*

Rt Hon Caroline Nokes MP  
Minister of State for Immigration



Department  
of Health &  
Social Care

From Caroline Dinenage MP  
Minister of State for Care

39 Victoria Street  
London  
SW1H 0EU

020 7210 4850

Your Ref: SDD/SY/FAMILYTEST

PO-1148421

Steve Double MP  
House of Commons  
Westminster  
London SW1A 0AA



09 OCT 2018

Dear Steve,

Thank you for your letter of 6 September to Matt Hancock regarding the application of the Family Test within the Department of Health and Social Care (DHSC).

As you are aware, the Government established the Family Test to introduce a family perspective to the policy-making process to enable policy-makers to recognise and make explicit the potential impacts on family relationships when developing and agreeing new policy. As requested, Departmental officials have considered the questions you have raised.

There is departmental guidance on the Family Test available on our departmental intranet (our internal internet site). There is also high level guidance available on the new online legal resource for civil servants at [www.gld.digital](http://www.gld.digital). Both provide an overview, as well as links to the guidance published by the Department for Work and Pensions, that officials consider to be comprehensive. Officials also include the Family Test in policy inductions for new staff, emphasising that it must be considered in policy making, alongside other legal duties.

With regard to the incorporation of the Family Test in DHSC policy, our guidance for staff is clear: everyone involved in the policy-making process must have regard to it. Officials have developed a template for those in policy to use, to record their thinking and results against the test. In addition, the Departmental submissions template, used by officials for ministerial submissions, includes the Family Test in its checklist. This means officials must indicate that the Family Test applies and has been considered; submissions with no indication of this will be returned. Policy teams are also encouraged to include an assessment against the Family Test when preparing formal equalities impact assessments against the Public Sector Equality Duty, and the

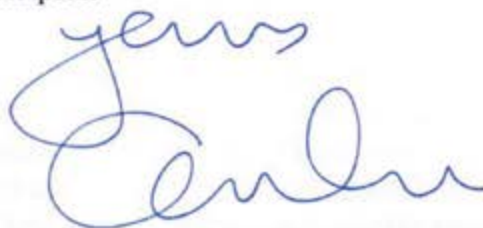


Department's lawyers require this before they will agree an equalities impact assessment.

The Department does not collect information on how many assessments against the Family Test are carried out. However, there are a number of published examples of analysis against the Family Test. Due to their file format, these documents are relatively difficult to search for on the Government's website, [www.gov.uk](http://www.gov.uk). I have listed the complete web addresses for the selected examples as follows:

- For an example of a stand-alone assessment, see *Junior doctors' contract: equality analysis and family test*, at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/512699/jd-family-test.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/512699/jd-family-test.pdf)
- For an example of where the Family Test was incorporated into a broader equalities impact assessment, see the *Infected blood: response to the consultation on special category mechanism and other support in England*, at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/648221/Infected\\_blood\\_consultation\\_response\\_eqia.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/648221/Infected_blood_consultation_response_eqia.pdf) and
- *Reforming healthcare education funding: creating a sustainable future workforce* at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/539777/health-ed-ea.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/539777/health-ed-ea.pdf). The revised version can be viewed at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/680681/Equality\\_Analysis\\_healthcare\\_education\\_funding.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/680681/Equality_Analysis_healthcare_education_funding.pdf)
- For an example of where the Family Test was included as part of an impact assessment, see *Consultation on a rapid resolution and redress scheme for severe avoidable birth injury*, at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/597390/RRR\\_Impact\\_Assessment\\_a.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/597390/RRR_Impact_Assessment_a.pdf)

I hope this reply is helpful.



CAROLINE DINENAGE



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Caxton House  
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SW1H 9DA

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[ministers@dwpgsi.gov.uk](mailto:ministers@dwpgsi.gov.uk)

Your ref: SDD/SY/FAMILYTEST

Steve Double MP



Our ref: POS(6)11414/72

10 OCT 2018

*Dear Steve,*

Thank you for your letter of 6 September to the Secretary of State on the Family Test and its implementation within the Department for Work and Pensions (DWP). I am replying as the Minister with responsibility for this policy area.

I understand your interest in the Test and in ensuring that the impact of policies on families is taken into account in policy decisions. As lead Department for the Family Test, the DWP has undertaken a range of activity to help policy officials within the Department, and across government, embed the Test successfully. We have created an evidence pack to help officials apply the Test, and we have made supporting materials available on our own departmental intranet, including a case study and template. We also offer ongoing support and advice to officials within the DWP and across Government on request.

When the Family Test was first introduced, the DWP developed guidance for policy officials across Government which is currently available on the Government website. This guidance is designed to support officials in understanding when the Test is required and how the Test should be completed. It advises on publication of Family Test assessments. We are currently considering how best to strengthen this guidance, to promote best practice.

Officials are working with a wide range of Government departments and have established a new Family Test Network, which currently includes representatives from 13 Whitehall departments. The network aims to increase the capability of departments to use the Test by collaborating on identifying, developing and sharing effective practice. This new network will support this Department in a review of the Family Test guidance and we will encourage

Departments across Government to develop their own materials for policy officials, tailored to their particular policy context.

We are also working with Civil Service Learning and the Policy Profession which operate across Government, to consider how the Family Test can be embedded within learning materials for policy officials, to strengthen capability in implementing the Test.

Application of the Family Test is a key part of internal policy formulation and development in the Department feeding into decisions about whether options for change should be pursued. The Family Test should be applied in a way which is proportionate, and the five questions provide a useful framework for officials to consider and account for potential impacts of a policy on families. We do not hold central records in this Department on where the Family Test has been applied so I am unable to provide you with data on how many assessments have been carried out nor their outcomes. However, I can assure you that it is in operation in this Department and informs the policy advice which I receive.

The DWP will continue its work to promote implementation of the Test across Government and I will be interested to see the findings of the review by the Centre for Social Justice.

*kind regards,*  
*Just*

**Justin Tomlinson MP**

**Minister for Family Support, Housing and Child Maintenance**





Department for  
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Media & Sport

Tracey Crouch MP  
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10 October 2018

Steve Double MP  
[steve.double.mp@parliament.uk](mailto:steve.double.mp@parliament.uk)

Your Ref:  
SDD/SY/FAMILYTEST  
Our Ref: MC2018/12781/DB

*De- Steve*

Thank you for your correspondence of 6 September, to the Secretary of State for Digital, Culture, Media and Sport, the Rt Hon Jeremy Wright QC MP, regarding the department's use of the Family Test as part of policy development. I am replying on the department's behalf.

The department has taken steps to ensure that policy officials are informed and able to apply the Family Test as necessary when developing policy proposals. In addition to the initial guidance from the Department of Work and Pensions (DWP), internal guidance has been developed for officials setting out when they should apply the test. Specifically, guidance is available for officials producing grant agreements on how the test should be applied as part of establishing their scheme. The department's Central Analysis Team are able to provide further advice to their policy counterparts on the test, should it be required.

The Family Test was considered as part of the department's consultation impact assessment for the Broadband Universal Service Obligation (USO). However, it was determined there was no notable impact and as such was not included in the final draft of the consultation. The department doesn't track the application of the Family Test in a systematic way, but I am confident that officials are well placed to use the test as necessary as part of future policy development.

With best wishes,

*Tracey*

Tracey Crouch MP  
Minister for Sport and Civil Society







## Department for Transport

Steve Double MP  
House of Commons  
London  
SW1A 0AA

From the Parliamentary  
Under Secretary of State  
**Nusrat Ghani MP**

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Our Ref: MC/237525  
Your Ref: SDD/SY/FAMILYTEST

09 OCT 2018

Dear Steve

Thank you for your letter of 6 September to Chris Grayling, about Application of The Family Test. I am replying as the Minister responsible for this issue.

We are currently engaging with the Department of Work and Pensions (DWP) on improving implementation of the test through a new cross-government network, which aims to strengthen the capability of departments to use the test by collaborating on identifying, developing and sharing effective practice.

In answer to the questions you ask:

1. DfT has not produced supplementary guidance but has so far relied on the guidance issued by DWP.
2. During impact assessment training, we have promoted the importance of identifying where families may be directly or indirectly affected as one of the specific impact tests to be considered proportionately while developing policy options. It has also been included in our specific impact guidance sheet (attached) which steers policy teams towards the available guidance.
3. The Family Test has been treated as an integral part of the policy making process and has been applied in a proportionate way in the development of all new policy in line with the Family Test guidance issued by DWP. As a result potential impacts of policy on family functioning and relationships are considered as part of the normal process of agreeing policy and any outcomes are incorporated into the impact assessments published on [legislation.gov.uk](http://legislation.gov.uk) or alongside consultations.



## Ministry of Defence

THE RT HON TOBIAS ELLWOOD MP  
PARLIAMENTARY UNDER-SECRETARY OF STATE AND MINISTER  
FOR DEFENCE PEOPLE AND VETERANS

MINISTRY OF DEFENCE  
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Our ref: D/Min(DPV)/TE MC2018/11793e  
Your ref: SDD/SY/FAMILYTEST

9. October 2018

Thank you for your letter dated 6 September 2018 to the Rt Hon Gavin Williamson CBE MP, the Secretary of State for Defence, regarding the application of the Family Test. Your letter has been passed to me as the Minister for Defence People and Veterans.

Supporting families and family relationships, in all their forms, is vitally important. As you will be aware, the Ministry of Defence does not deliver domestic policy, however, the range of Defence activity has both a direct and indirect impact on Service families, who are an integral part of communities across the UK and overseas. The needs, views and impact of Defence policy on Service families has a direct impact on successful delivery and maintenance of operational capability. It also shapes how our valued Service personnel manage their careers and it influences their aspiration to remain in Service.

This is why we launched the first ever UK Armed Forces Families' Strategy in 2016, which focuses and coordinates activity to support Service families. Priorities for this work include childcare, partner employment and accommodation, have consistently remained significant areas of interest for both the Service Families' Federations and the Department. The work to deliver the strategy is governed by a Service Families Working Group, comprised of representatives from across Defence and with external scrutiny provided by representation from the three Service Families Federations.

A key component of the Families' Strategy, and the Working Group, is to ensure that Service families are considered in people policy development, supporting the principles outlined in the Family Test. Applying these principles within Defence means going much further than responding to the questions posed in the Family Test guidance, and consideration of the impact on families is a clear thread in the official guidance considered at senior boards.

Steve Double MP  
House of Commons  
London  
SW1A 0AA



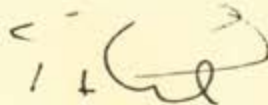
In addition to application of the strategy, the impact of Defence policy on Service families is overseen in a variety of ways, for instance:

- An assessment and response to the impact on Service families forms an integral part of the design and testing of new policies. We achieve this by inviting representatives of families, in particular the three independent Families Federations, to directly influence policy decisions as stakeholders and reflecting their input in policy and programme documentation.
- Families are invited to share their views annually via our Families Continuous Attitude Survey.
- In the case of our current work to design a Future Accommodation Model, we have invited families to help us assess the impact and necessary mitigation to any adverse impact of changing our approach to Service accommodation through activities such as 'crowd-sourcing'.
- The Directors of the Families Federations are invited to meet twice a year with the Minister for Defence People and Veterans and are afforded privileged access to senior leaders allowing for their views and expertise to influence strategic thinking.

As this ongoing assessment forms an integral part of our decision-making process we do not complete a separate/standalone assessment. Instead this forms part of guidance, discussion papers and submissions to the Defence Board, People Committee and Ministers.

Finally, you may be interested to know that earlier this year we contributed to a cross-Government commission from No10 which asked Government Departments to set out the range of policies that may have a positive or negative impact on families and family relationships. I would be happy to share our contributions with you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'T. Ellwood', with a stylized flourish at the end.

**THE RT HON TOBIAS ELLWOOD MP**



2018-0036915NZPO

**Nadhim Zahawi MP**

Parliamentary Under-Secretary of State for Children and Families

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Steve Double MP  
House of Commons  
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SW1A 0AA

Your ref: SDD/SY/FAMILYTEST

01 October 2018

Dear Steve,

Thank you for your letter of 6 September, addressed to the Secretary of State, about the application of the Family Test. I am replying as the minister responsible for this policy area.

I understand that you would like some information about my department's implementation of the Family Test, to inform a cross-Whitehall review of its implementation across government.

My department has developed a suite of guidance and tools to support policy makers when formulating policy. Products include plain-English guidance, frequently asked questions; decision tree; and case studies. My officials have recently shared products as an example of good practise with the Department for Work and Pensions (DWP) and the Family Test Network.

The Family Test is an integral part of the department's policy making process. Guidance is sited on my department's intranet site so products are easily accessible to everyone. The Family Test is applied in a proportionate way in the development of all new policies in line with the guidance. My department's submissions template; which is used for all advice to ministers, contains a checklist of considerations, tests and appraisal made when preparing a submission.

My department does not hold a central record of the amount of policies assessed against the Family Test. However potential impacts of policy on family functioning and relationships are identified and brought to the attention of Ministers where appropriate, and as part of the normal process of agreeing policy.

We have published assessments of the impact on families on a number of occasions when legislation was introduced to Parliament. For example:

- the Childcare Act 2016 the assessment can be found at <https://www.gov.uk/government/publications/childcare-bill-impact-assessment>
- the Education and Adoption Act 2016 assessment can be found at <https://www.gov.uk/government/publications/education-and-adoption-bill-impact-assessment>
- the Higher Education and Research Act 2017 assessment can be found at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/528005/bis-16-295-he-research-bill-detailed-impact-assessment.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/528005/bis-16-295-he-research-bill-detailed-impact-assessment.pdf)
- the Children & Social Work Act 2017 assessment can be found at <https://www.parliament.uk/documents/impact-assessments/IA16-008.pdf>

Thank you for writing to me on this important matter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'N. Zahawi', with a stylized, flowing script.

**Nadhim Zahawi MP**  
**Parliamentary Under-Secretary of State for Children and Families**





Department for  
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Our ref: MCB2018/20387/VJ  
Your ref: SDD/SY/FAMILYTEST

 September 2018



Thank you for your letter dated 6 September 2018, to Greg Clark MP, regarding the application of the Family Test. I am responding as this matter falls within my Ministerial portfolio.

The Department for Business, Energy and Industrial Strategy (BEIS) recognises the importance of understanding how our policies impact upon families and I am happy to provide you with the requested information to help aid your review.

Since the introduction of the Family Test in 2014, central teams in BEIS have provided bespoke guidance and training to policy and analytical colleagues within the Department as part of regular better policy making and better regulation training.

The majority of BEIS policy areas do not have a direct impact on the formation, make-up, or breakdown of families. However, where these impacts are relevant, the Family Test is applied to policy changes in a proportionate manner. Officials leading directly on the policy development are responsible for undertaking this analysis, and for advising Ministers on these impacts during the policy development process. Methodological support and guidance is provided by central advisory teams within the Department.

When applicable, analysis on family impacts is included within impact assessments, which are published on [legislation.gov.uk](http://legislation.gov.uk). This analysis is usually qualitative in nature as it is difficult to make quantitative estimates on the impacts from our policy changes. Following implementation of the policy, BEIS monitors and reviews its impacts in a proportionate manner. If impacts on families are expected to be significant these impacts are reviewed and evaluated appropriately.

As noted, the vast majority of BEIS policies have no or negligible impacts on families and therefore a Family Test is often not appropriate. However, recent examples of BEIS policies that include Family Tests are the National Minimum Wage Amendment (2018), available at: [www.legislation.gov.uk/ukia/2018/66/pdfs/ukia\\_20180066\\_en.pdf](http://www.legislation.gov.uk/ukia/2018/66/pdfs/ukia_20180066_en.pdf), and amendments to the Working Time Directive (2015), available at: [www.legislation.gov.uk/ukia/2014/387/pdfs/ukia\\_20140387\\_en.pdf](http://www.legislation.gov.uk/ukia/2014/387/pdfs/ukia_20140387_en.pdf). We would be happy for you to use these as part of your review.



This Department is committed to continue to improve our organisational understanding of how our policies have an impact on families. We are currently engaging with the Department for Work and Pensions (DWP) on strengthening implementation of the Family Test through a new cross-Government officials network. This network aims to increase the capability of departments to use the test by collaborating on identifying, developing and sharing effective practice.

I hope that this information is useful, and I look forward to reading the conclusions of the review.

yours ever

A handwritten signature in blue ink, appearing to read 'Kelly', with a long horizontal flourish extending to the right.

**KELLY TOLHURST MP**

Minister for Small Business, Consumers & Corporate Responsibility



Cabinet Office

Rt Hon David Lidington CBE MP  
Chancellor of the Duchy of Lancaster  
Minister for the Cabinet Office  
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Our Ref: CDL/2110

Your Ref: SDD/SY/FAMILYTEST

Steve Double MP  
House of Commons  
London SW1A 0AA

26 September 2018

Dear Steve,

Thank you for your letter of 6 September regarding the Family Test.

As you know, the Government is fully committed to supporting families. That is why we are committed to the Family Test, to help ensure that impacts on family relationships are recognised early on during the process of policy development, and that these impacts help inform the policy decisions made by Ministers and departments.

We know that there is work left to do in order to ensure that the Family Test becomes fully embedded in every department, including Cabinet Office.

Along with other departments across Whitehall, Cabinet Office is currently engaging with colleagues in DWP on strengthening implementation of the Family Test through a new cross-government network, which aims to strengthen the capability of departments to use the test by collaborating on identifying, developing and sharing effective practice. As part of this engagement, we have recently identified a senior policy official within Cabinet Office to lead work in this area and to bring renewed focus to the Cabinet Office's approach to embedding the Family Test fully in its own policy development.

I look forward to seeing the results of the work that the Centre for Social Justice is carrying out in this area, and I am sure that they will be a useful contribution to the future operation of the Family Test across Government.

Rt Hon David Lidington CBE MP



Ministry of Housing,  
Communities &  
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Steve Double MP  
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Our Ref: 3898191  
Your ref: SDD/SY/FAMILYTEST

Dear Steve,

27 SEP 2018

Thank you for your letter of 6 September regarding application of the Family Test to my Department's policy making.

As you will know, the Government is committed to supporting families and that is why in 2014 we introduced the Family Test, to ensure that any impact on family relationships and functioning is recognised early in the process of policy development and help inform the policy decisions made by Ministers.

I have asked my officials to consider the four specific questions in your letter about incorporation of the Family Test into MHCLG policy making. I very much hope that the information provided below will be helpful to you and your colleagues in informing your work with the Centre for Social Justice.

**1) What guidance or tools has your department developed to support implementation of the Family Test, in addition to the generic guidance from the Department of Work and Pensions?**

The Department follows the guidance set out by the Department for Work and Pensions in 2014 when deciding when the Family Test needs to be carried out. In addition, MHCLG has implemented a number of its own measures to ensure policy officials are aware of their Family Test obligations, for example through training courses and guidance. This is also included as part of the resources, interventions and training provided by the Department's Great Policy Making team to help support policy professionals.

We are currently engaging with DWP on further enhancing the implementation of the Family Test through a new cross-government network. This will help strengthen the capability of departments to use the test by collaborating on identifying, developing and sharing effective practice.

**2) How has your department gone about incorporating the Family Test into the policy making process?**

My Department takes into consideration a wide range of impacts, including regulatory, economic and social, in developing policy. Although it has no statutory footing, there is a clear expectation and



practice within MHCLG that the Family Test is applied to all relevant policies at each stage of the policy making progress.

Individual teams take bespoke approaches to this. For example, the DWP guidance was applied recently during the policy making process for the Revised National Planning Policy Framework, published in July 2018. Careful consideration was given to the potential impacts of policy proposals on families, both positive and negative. The Family Test complemented our duties in addressing the main aims of the Public Sector Equality Duty (PSED). It was identified that applying the Family Test and complying with the PSED should lead to better overall outcomes for people and communities. Therefore these considerations were documented in the Equality Impact Assessment in order to raise awareness and support effective decision making.

My officials will monitor the implementation of the new Framework and, if any adverse impacts on protected groups, including families, become evident, then we will consider how to address them, whether by amending the policy, or by other means.

**3) How many policy assessments has your department carried out under the Family Test guidance to date, and what has been the outcome of these assessments?**

No central record is kept of assessments made under the Family Test. Any application has been at the discretion of individual policy teams, in accordance with the DWP guidance and the principle of proportionality. However, there are a number of examples where the Family Test has been shown to enhance our policy making.

For example, MHCLG applied the Family Test to its Spending Review bid in 2015. As part of this preparation, the Department's Troubled Families programme was assessed against Family Test criteria. Addressing parenting and relationship breakdown is core to the programme's aim and it was found positively to support a number of strands of the Family Test.

Another good example relates to the annual policy changes made to the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012. Each year when amending these regulations, my officials conduct a Family Test. Assessments in 2014, 2015 and 2016 found the effect of these changes to be positive, as the uprating of personal allowances at a rate above CPI is beneficial to pensioners. The assessment also concluded that increasing the amount that non-dependants living in a pensioner household pay towards council tax is fair to council tax payers since non-dependants should not benefit from support intended for the elderly.

**4) Are there any examples of Family Test assessments which you would be willing to allow us to publish as part of the review?**

As you are aware, there is no requirement for departments to publish the results of assessments made under the Family Test. However, as outlined above, the Family Test assessment of the Revised National Planning Policy Framework was documented as part of the Equality Impact Assessment which is published at the following link (see page 10):

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/728404/National\\_Planning\\_Policy\\_Framework\\_-\\_Equality\\_Impact\\_Assessment.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728404/National_Planning_Policy_Framework_-_Equality_Impact_Assessment.pdf).

If you require a further example, I am advised by officials in the Housing-led Regeneration and Investment team that they would be happy to supply details of the Family Test assessment they

undertook when formulating the consultation on our Build to Rent planning proposals upon request.

I hope this is helpful and I look forward to hearing the outcome of this important review.

A handwritten signature in blue ink, appearing to read 'Rishi Sunak', is positioned above the printed name.

**RISHI SUNAK MP**



Government  
Equalities Office

Steve Double MP  
House of Commons  
London  
SW1A 0AA



Baroness Williams of Trafford  
Minister for Equalities

Government Equalities Office  
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SW1P 3BT

29 NOV 2018

Our ref: GEO-00738

Your ref: SDD/SY/FAMILYTEST

*Dear Steve,*

Thank you for your letter of 6 November, addressed to the Minister for Women and Equalities. I am replying as the Minister for Equalities.

The Government is committed to supporting families and in 2014 we introduced the Family Test. The Family Test aims to ensure that impacts on family relationships and functioning are recognised early on during the process of policy development and help inform the policy decisions made by Ministers.

There is no requirement for departments to publish the results of assessments made under the Family Test. However, the Government Equalities Office develops policy with due regard for the importance of encouraging strong and stable family relations, for example the recent announcement to enable opposite-sex couples to form civil partnerships.

In order to provide families with choice, we are supporting parents to balance work and care through flexible working, Shared Parental Leave and our enhanced childcare offer. Earlier this year we jointly funded with BEIS the £1.5 million campaign to promote Shared Parental Leave for new parents.

Our £3.1 million research programme on gender equality in the workplace over the next 2 years also includes developing the evidence base on how to support employers to offer family friendly policies in the workplace.

Baroness Williams of Trafford



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