

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

Department for Work and Pensions

Response from Barnardo's, April 2011

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Introduction

1. Barnardo's works directly with more than 100,000 children, young people and their families every year in 415 services across the UK. These services are located in some of the most disadvantaged neighbourhoods. We work with children affected by today's most urgent issues: poverty, homelessness, disability and abuse. Barnardo's aims to reduce the impact of poverty on children, young people, families and communities through social, economic and community action – around one third of our work focuses on the alleviation of poverty, and it is an inescapable element of nearly all of our services.

Summary of key points

This consultation response sets out our position on a number of key issues:

2. Barnardo's supports the Government's aim to develop more integrated support services to assist separated parents to cooperate in making arrangements for their children. We would like to work with the Government to develop the right support for families during family separation.
3. **However, we believe that introducing upfront application charges and ongoing charges of up to 12% to access the statutory support service for child maintenance payments is completely unacceptable for all, but especially the poorest families who have £13 per person per day¹ to live**

¹ £13 per person per day After Housing Costs, adjusted for family size and inflation. Based on Barnardo's calculations for the 2011/12 poverty line uprated at RPI; based on the official 2008/09 poverty line of 60% of median income of £206 per week. Median income in the HBAI report: http://research.dwp.gov.uk/asd/hbai/hbai_2009/pdf_files/chapters/chapter_2_hbai10.pdf

- on.** The Government must reconsider its charging proposals to protect the poorest children from being further disadvantaged.
4. We acknowledge that the child maintenance system is aimed at all families; however, we have strong concerns about the most vulnerable families and their children, who will be disproportionately affected by these reforms. Many families will be forced into accepting family based solutions that are not in the best interests of the family or the children involved. This includes the families Barnardo's works with such as those affected by domestic violence; physical, emotional or sexual abuse; drug and alcohol addiction; homelessness; disability; mental health issues and poverty.
 5. The proposals amount to a privatisation of services intended to support the most vulnerable women and their children. The Government must give priority to considering how the needs of these families and children will be met in the new system.
 6. The support services must be designed and implemented so that they can meet the needs of the most vulnerable families and with the involvement of the voluntary sector. Efficiency savings must be used to invest in the gateway.

Question 1: Do you agree that maintenance should be more effectively integrated with other types of advice and support provided to families experiencing relationship breakdown to enable them to make arrangements?

7. Barnardo's supports the Government's aim of joining up services to assist separating parents cooperate in caring for their children. Integrated services, which signpost effectively to other support services, make it much less stressful for families and are easier to navigate.
8. However, the Government makes the assumption that other types of advice and support already exist for families experiencing relationship breakdown. In our experience, the availability and quality of services for families is very much dependent on location and income. Given the current scale of local spending cuts to services, it is likely that areas where there is some form of provision may have these services cut.
9. The Government needs to clarify the role of both universal and specialist targeted services. Is it the aim that support for separating families will be integrated into universal settings such as GP surgeries, libraries and schools; or will gateway support be available only as a targeted service? Our experience in working with a wide range of families suggests that they need access to both universal and specialist services.
10. The 'gateway' developed as part of the new child maintenance service should be aligned with any recommendations from the Family Justice Review² to ensure that it works with any proposals on family mediation, and not in isolation.

² Family Justice Review, Interim Report, March 2011.
<http://www.justice.gov.uk/publications/docs/family-justice-review-interim-rep.pdf>

11. The Government is proposing increasing the use of mediation, which in principle Barnardo's would agree with; however, the training to become a mediator is lengthy and we have concerns that there are not enough mediators to cope with demand. The current costs are set locally and often operate on a sliding scale dependent on income. Fees can often start at £25 per hour for those on lower income³, but can involve between 5 and 12 hours of mediation dependent on issues to be discussed. This immediately places this option outside the pocket of many families.
12. Despite the tough economic climate, the Government needs to ensure adequate funding for the support services and proposed gateway. Current family support services are severely overstretched, so to add to demand without further investment could lead them to breaking point. The investment in family support services could come from the estimated efficiency savings of the new I.T. system and a reduced volume of parents using the system as a result of increased private arrangements.
13. The Government needs to give serious consideration to how gateway services will be delivered at the local level. The child maintenance system and gateway services will be aimed at all separating families; however, many local authorities will be cutting services over the coming months and targeting their existing provision at the most disadvantaged families. Would child maintenance and family separation gateway services be available to all separating families given this targeted approach in the rest of the sector?

Question 2: How best can maintenance support be integrated within the network of support services to better support families experiencing relationship breakdown to make family-based arrangements?

14. Integrated services need to recognise that parents and families will enter the system at different stages in a family breakdown. The gateway also needs to recognise that there is no one size fits all solution, and every family is unique with different needs and expectations.
15. The Government in its proposals needs to make explicit how it will support families who do not have any access to the internet, cannot afford the cost of a lengthy phone call, do not have English as a first language, and those who would not know where to turn to during the time of separation. Barnardo's recommends that the Government involves the voluntary sector in developing the provision of services for the most vulnerable families during the difficult time of family separation.
16. The maintenance support system should make use of existing family and community networks, where parents already have a trusting relationship with a service, and will not feel stressed or pressurised, and will feel comfortable in asking questions and ensuring they get all the support and information they need. The Government should therefore look at integrating maintenance support in children's centres, schools, GPs surgeries, community centres and also in the workplace. In addition, some families will require specialist, targeted support, with universal services providing signposting to these.

³ National Family Mediation Network, <http://www.nfm.org.uk/faq>

17. Barnardo's would welcome the opportunity for the voluntary sector to deliver gateway services to support separated and separating families, particularly in settings where they feel comfortable, such as children's centres. Barnardo's already runs a Mobile Children's Contact Centre in Cornwall which can provide flexible sessions in venues to suit the needs of the individual family, particularly in rural areas where families find they need to travel long distances at inconvenient times to use contact facilities. The service offers a range of supervised, supported and facilitated contact, as well as unsupervised contact facilities, transport of children and young people to and from contact facilities, as well as parenting assessments and reports for court. The service can be used by (but is not limited to) children whose parents have separated to see their non-resident parent, other relatives or significant others.

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

18. The Government's new proposals emphasise the roles and responsibilities of parents in supporting their children; however the language used does not reflect this. The Government needs to ensure that in developing a new 'gateway' and developing child maintenance options that they adopt a positive use of language to support cooperation rather than conflict between parents.
19. There needs to be pre-accessing service information, advice and guidance available, so that parents know where to turn to, and understand the facts about separation before they need to access services. This needs to include information, advice and support in financial issues, housing, childcare, health and employment issues. Case study examples of families that have reached family based, cooperative arrangements could be given to parents, to show to others how it is possible to ensure a smoother transition into new family arrangements.

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

20. Family-based arrangements are not always the most appropriate solution for many families. Barnardo's is concerned about families having to prove that they have tried other means of reaching a maintenance solution before they are allowed to access the statutory service. The only fast track available is for victims of domestic violence or where children are at risk of abuse; many other vulnerable families, such as those suffering from mental health problems, drug or alcohol misuse, or where there are language barriers for example, are not discussed in the proposals set out by the Government.
21. Due to the complexity of issues that separating families face, many need support in settings and from service providers and networks that they can trust. The voluntary sector and organisations such as Barnardo's would be well placed to support the most vulnerable families.
22. The Government needs to ensure that the support services reflect different cultural backgrounds; for example so that families have access to confidential advice from advisors who speak their own language, are based in their own community settings, and understand their cultural background.

CASE STUDY: Mobile Children's Contact Services, Barnardo's South West

The Mobile Children's Contact Service gets involved where there are disputes about contact with their children between parents that have gone before the court. Barnardo's advises on ways forward by observing and assessing parenting capacity (usually of the non-resident parent), observing children's responses to contact and ascertaining their wishes and feelings. The service also assists parents to put aside the acrimony between them in the best interests of their children and the child's right to have a relationship with both parents. Child maintenance often crops up as one of the key sources of acrimony, but in many of these cases there are allegations of domestic violence, and in some of these, the parent with care would prefer no contact whatsoever, including financial i.e. maintenance, in order to be/feel safe from harm.

Recent emphasis from the Government concerning family breakdown/relationships has ignored the complex issue of contact between children and parents where separation is inevitable. There is little funding available to support families to work through the issues to reach arrangements that are in the best interests of children, without recourse to the courts. Even then absent parents frequently have to pay for court ordered supervised or supported contact – this is over and above any maintenance. The issue is extremely complex and there is not a one size fits all approach, but families would benefit from access to better mediation services that cover all aspects of parental responsibility, not just financial, that clearly put the child first in all aspects of parental responsibility.

23. Barnardo's is concerned that encouraging parents to make their own private arrangements where there is already an acrimonious relationship, could further increase conflict between parents and could negatively impact on their children's outcomes as a result. Short term savings to the state in avoidance of statutory maintenance services could be outweighed by negative impacts on the children involved. The DCSF Evidence Review *Impact of Family Breakdown on Children's Wellbeing* highlighted that: 'Parental conflict is a key variable associated with negative outcomes in children from both intact and non-intact families. Children who are the subject of protracted conflict between their parents following separation, or who feel themselves to blame for it, are particularly at risk of negative outcomes, including a higher likelihood of anxiety, and behavioural problems.'⁴
24. The Government therefore needs to ensure that it invests in high quality gateway family support services which support both parents and children through the difficult process of family separation.
25. Migrating current Child Support Agency (CSA) claimants onto the new system and forcing them to go through the gateway and come to their own family-based agreements could create conflict in families who may have had long established payment schedules, as they are forced to question and review current arrangements. It could also cause financial hardship for existing claimants in the short term whilst previous arrangements are in the process of renegotiation.

⁴ <http://www.education.gov.uk/publications/eOrderingDownload/DCSF-RR113.pdf>

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

And

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

26. Barnardo's is extremely concerned about the Government's charging proposals. Imposing charges will impact negatively on the most disadvantaged families, and create a huge barrier to parents accessing the statutory system to support them in claiming child maintenance payments from their ex-partners. The charging regime will force many parents into accepting family based solutions in situations where an ex-partner may be unreliable – not paying the correct amounts or not making payments on time. It also gives a non-resident parent a lot of power over how and when the maintenance will be paid.
27. Encouraging voluntary arrangements is a policy which we would support but there are some families (for example mothers who have been the victim of domestic violence, fathers who have become completely estranged from their children) where a voluntary arrangement is not going to be realistic. Therefore the introduction of charging will see many vulnerable families left without the support they need to claim maintenance for their children.
28. An application fee of £50 for families on a lower income to access this new service represents almost the whole amount that poorer households spend per week on housing, fuel and power at £57.30, or food and non-alcoholic drinks at £52.20. Low income families have £13 per person per day to live on⁵. To lose almost 12% of ongoing payments is a significant loss where the maintenance payments are already modest. The use of charging marks a huge financial disincentive for parents to use the statutory system and will impact disproportionately on the poorest parents.⁶
29. There is little mention in the consultation paper of how the financial contribution of child maintenance will positively impact on the children involved. By charging parents for use of the service, it ultimately leads to less money to spend on the welfare of the child. The impact of child maintenance payments is of particular importance at a time of rising food, fuel and rental prices, cuts to services, and job losses.
30. In 2008/09, 47% of children in lone parent families were living with relative low income and material deprivation Children in lone-parent families were much more likely to live in 'low income' and 'low-income and materially deprived' households than those in families with two adults.⁷ Placing extra charges and costs on single parent families will only serve to exacerbate this situation to the further detriment of children in those families.

⁵ £13 per person per day After Housing Costs, adjusted for family size and inflation Based on Barnardo's calculations for the 2011/12 poverty line uprated at RPI; based on the official 2008/09 poverty line of 60% of median income of £206 per week. Median income in the HBAI report: http://research.dwp.gov.uk/asd/hbai/hbai_2009/pdf_files/chapters/chapter_2_hbai10.pdf

⁶ Family Spending: a Report on the 2009 Living Costs and Food Survey, Office for National Statistics. http://www.statistics.gov.uk/downloads/theme_social/family-spending-2009/familyspending2010.pdf

⁷ DWP HBAI Survey, 2008/09

http://statistics.dwp.gov.uk/asd/hbai/hbai_2009/pdf_files/chapters/chapter_4_hbai10.pdf

31. Barnardo's supported the proposals which introduced disregards for families on benefits in Sir David Henshaw's 2006 Review. This measure, implemented in 2008/09, allowed all parents to receive the child maintenance disregard of £10, benefiting an additional 55,000 children.⁸ This step outlined in Henshaw's report was progressive and contributed to reducing the numbers of children living in poverty.
32. The introduction of charging is a backwards step, which will potentially increase the number of children and families living in poverty. This would therefore be in direct contradiction to the Government's commitment to eradicate child poverty in the UK by 2020, as set out in the Child Poverty Act 2010. Whilst the Henshaw Review did make a recommendation for the use of charging, it also recommended further research into the level and method of charging, and highlighted the need to protect vulnerable parents.⁹ The Government's Impact Assessment¹⁰ of the reforms does not examine the impact of the proposals on children and families living in poverty, or the impact on the welfare of the children. This is of great concern to Barnardo's.
33. The introduction of charging will impact significantly on the most disadvantaged families and children. Family breakdown and the resulting lone parent status (usually mothers) often lead to financial hardship. It has therefore been suggested that poverty may be a significant factor in explaining negative child outcomes rather than family breakdown *per se*. When income is controlled for, the negative impact of parental separation is significantly reduced or disappears entirely.¹¹

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

34. The Government needs to ensure that separating families where there has been violence or a risk to the child are automatically fast-tracked through the system, so that the parent with care has to make no contact with their ex-partner and cannot be traced by their ex-partner. The system needs to ensure that separating families in this situation are not exposed to further stressful and upsetting situations.
35. The Government should ensure that families separating in these circumstances are offered tailored support in all areas from emotional support, advice and information on health, finances, housing and employment.
36. In establishing the new statutory gateway, the Government needs to carefully consider how it will assess which parents and families are victims of domestic violence. The Government needs to ensure a parent has a 'right to be believed' and not force vulnerable parents to prove their eligibility; procedures should be as open and as sensitive as possible to identify parents who have been victims. There is a clear role here for the voluntary sector to deliver services for families separating in these circumstances.

⁸ http://www.barnardos.org.uk/it_doesnt_happen_here_full_report.pdf

⁹ <http://www.dwp.gov.uk/docs/11-improving-child-support-policy.pdf>

¹⁰ <http://www.dwp.gov.uk/docs/ia-strengthening-families.pdf>

¹¹ <http://www.education.gov.uk/publications/eOrderingDownload/DCSF-RR113.pdf>

37. The Government also needs to be wary of implementing a system which encourages parents to identify themselves as victims of domestic violence or their children at risk of abuse, in order to be fast-tracked through the statutory system and become exempt from charges. Implementing charges and barriers to the system to vulnerable families could incentivise this kind of tick box manipulation of the system.
38. The Government also needs to consider tailored support for all vulnerable families, including those where either parent has mental health issues or has a drug or alcohol problem for example.