

## **Work and Pensions Select Committee Inquiry into Child Maintenance**

### **Response from Barnardo's April 2011**

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#### **1. Introduction**

- 1.1 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.

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#### **2. Summary**

- 2.1 Barnardo's is pleased to submit evidence to the DWP Select Committee inquiry into child maintenance. Our response concentrates on the inquiry's focus areas of better outcomes for children, the impact of introducing charges, mediation and advice services and operation of the 'gateway'.
- 2.2 We include the following key points:
- 2.2.1 We believe that it is completely unacceptable to implement both an upfront application charge and ongoing charges of up to 12% to access the statutory support service. Charging will impact negatively on children's outcomes, by forcing many parents with care to accept lower maintenance payments or to force them to pay to access the statutory system and lose a percentage of valuable maintenance. Families living in poverty only have £13 per person per day to live on<sup>1</sup>; charges will mean

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<sup>1</sup> £13 per person per day After Housing Costs, adjusted for family size and inflation. Based on Barnardo's

that the poorest children will lose out, as parents will not be able to afford to use the statutory system.

- 2.2.2 The Government needs to assess the impact of charging to access the statutory service on levels of child poverty amongst lone parent families.
- 2.2.3 The Government must consider how integrated local support and advice services will be provided. We believe that capacity will need to be increased through:
  - Investing in mediation and advisory services for the gateway to work effectively, and to prevent further conflict at different stages of family separation. Investment could come from efficiency savings elsewhere in the system.
  - Investing in training for more mediators to cope with increased demand. Mediation should focus on all aspects of parental responsibility, not just financial.
- 2.2.4 The Government should involve the voluntary sector in the design, implementation and operation of the proposed gateway services.

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### **3. Are the reforms likely to achieve the Government's goals of better outcomes for children; delivering a more efficient administrative child maintenance service; and providing value for money for the taxpayer?**

- 3.1 The implementation of charging for the statutory child maintenance system will put the option outside the pockets of many low income families, meaning that the poorest lone parent families and children could be left without any maintenance payments at all. Barnardo's believes that the charging proposals for families using the statutory maintenance support system could impact negatively on the outcomes of the children involved, particularly where a family is living in poverty. Children living in poverty are:
  - Likely to be overtaken in educational development and attainment by a less able child from a rich family by the age of 6.
  - Only a third as likely to get 5 GCSEs at A\* to C than those from richer backgrounds.
  - More likely to suffer ill-health, be unemployed or homeless as adults.<sup>2</sup>
- 3.2 Implementing a compulsory gateway, forcing family based solutions where they could be inappropriate, and introducing charges for the statutory service, could lead to more acrimony and conflict amongst families. This could be particularly problematic when there are changes in parents' circumstances, for instance when they find a new partner, move into or out of work, or have another child.

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calculations for the 2011/12 poverty line updated 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](http://research.dwp.gov.uk/asd/hbai/hbai_2009/pdf_files/chapters/chapter_2_hbai10.pdf)

<sup>2</sup> Barnardo's poverty factsheet

[http://www.barnardos.org.uk/what\\_we\\_do/our\\_projects/child\\_poverty/child\\_poverty\\_what\\_is\\_poverty/child\\_poverty\\_statistics\\_facts.htm](http://www.barnardos.org.uk/what_we_do/our_projects/child_poverty/child_poverty_what_is_poverty/child_poverty_statistics_facts.htm)

- All these situations could lead to renegotiation of payments further down the line, and could lead to conflict between parents. 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.<sup>3</sup>
- 3.3 Barnardo's has concerns about how the new statutory system will identify cases where a parent has been subject to domestic abuse. In many instances this abuse will have gone unreported, so we are concerned about how a parent can prove their circumstances in order to be fast-tracked through the system. If a vulnerable parent is forced into negotiating a private agreement with an ex-partner, they could be put at further risk of emotional, financial, physical or sexual abuse. This will clearly have negative outcomes for the children and families involved. Barnardo's recommends that voluntary sector services who work with victims of domestic abuse are involved in the development of the statutory service and the gateway. The statutory service needs to be designed so that it is open and as sensitive as possible to the most vulnerable families, and that parents must have a right to be believed when they report that they have been victims of domestic violence.
- 3.4 Family breakdown and the resulting lone parent status often lead to financial hardship (usually for mothers). The new statutory scheme will add to the hardship through upfront application charges and ongoing maintenance collection charges. It has 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.<sup>4</sup>
- 3.5 The new child maintenance arrangements are likely to deliver a more efficient service, through reduced caseloads and new I.T systems. A more efficient service is likely to lead to cost savings. Barnardo's recommends that cost savings through the efficiency of the new systems should go into gateway support services for separated and separating families.

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**4. What is the likely impact on parents of the introduction of charges, particularly poorer or more vulnerable families?**

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<sup>3</sup> DCSF Evidence Review: Impact of Family Breakdown on Children's Wellbeing, 2009  
<http://www.education.gov.uk/publications/eOrderingDownload/DCSF-RR113.pdf>

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- 4.1 Barnardo's has serious concerns over the implementation of charging procedures and also the use of the 'gateway' prior to being able to access to the statutory service. For many of the most vulnerable and disadvantaged families (such as those affected by physical, emotional or sexual abuse; drug and alcohol addiction; homelessness; disability; mental health issues and poverty) adding another barrier to financial support is likely to lead to a lack of engagement with the statutory service.
- 4.2 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. Giving the non-resident parent the power to decide on using the direct payment service, when they may be unreliable and uncooperative also gives a non-resident parent a lot of power over how and when the maintenance will be paid to the parent with care. The direct payment option could also give the non-resident parent personal contact details of the parent with care, that they wish to remain private. Ensuring the non-resident parent does not have contact details of the parent with care is extremely important for victims of domestic or other forms of abuse. There is also a clear safeguarding risk in cases where children have been abused by the non-resident parent.
- 4.3 Encouraging voluntary arrangements is a policy which we would support but there are some families (for example parents 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.
- 4.4 Low income families have £13 per person per day to live on<sup>5</sup> and therefore an application fee of £50 for families on a lower income to access the statutory service and to pay an ongoing collection charge is an excessive burden, particularly when compared with what an average household spends per week on housing, fuel and power at £57.30, or food and non-alcoholic drinks at £52.20.<sup>6</sup> 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.
- 4.5 Placing extra charges and costs on single parent families will only serve to exacerbate this situation. 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

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<sup>5</sup> £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](http://research.dwp.gov.uk/asd/hbai/hbai_2009/pdf_files/chapters/chapter_2_hbai10.pdf)

<sup>6</sup> 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](http://www.statistics.gov.uk/downloads/theme_social/family-spending-2009/familyspending2010.pdf)

- and materially deprived' households than those in families with two adults.<sup>7</sup>
- 4.6 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<sup>8</sup> 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. The Government's Impact Assessment<sup>9</sup> 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.
- 4.7 Barnardo's feels that application charges and ongoing maintenance collection charges are unacceptable and they must be abandoned for families on out of work benefits and those on a low income. Low income could be defined by those families receiving the family element of child tax credit. Charges should also not apply in cases when a direct maintenance payment could put a child who has been a victim of abuse at risk of harm from the non-resident parent, through release of personal contact details.
- 4.8 Barnardo's also recommends that further research needs to be carried out into how the implementation of charging will affect separating and separated families and their children, particularly to examine the impact on poverty rates for lone parent families and their children and the outcomes on children.

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**5. What is the extent to which mediation and advisory services in local communities will be equipped to support separating parents in coming to agreements on child maintenance?**

- 5.1 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. The Government needs to ensure that in areas where there are cuts to local services, such as children's centres, there is still access to support for all separating families.
- 5.2 Efficiency gains from the improved IT system, and fewer parents using the statutory support system as a result of family based arrangements, should be

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<sup>7</sup> DWP HBAI Survey, 2008/09

[http://statistics.dwp.gov.uk/asd/hbai/hbai\\_2009/pdf\\_files/chapters/chapter\\_4\\_hbai10.pdf](http://statistics.dwp.gov.uk/asd/hbai/hbai_2009/pdf_files/chapters/chapter_4_hbai10.pdf)

<sup>8</sup> Recovering Child Support: Routes to Responsibility, Sir David Henshaw, 2006

<http://www.dwp.gov.uk/docs/henshaw-complete22-7.pdf>

<sup>9</sup> Impact Assessment, DWP, 2010, <http://www.dwp.gov.uk/docs/ia-strengthening-families.pdf>

reinvested in the gateway services to advise and support both parents and families going through separation. Many family support services are already overstretched, and so the Government needs to invest in them further to enable them to cope with increasing demand.

- 5.3 Barnardo's would agree with increasing the use of family mediation, however, at the present time this option is not always accessible to the most disadvantaged families. 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 income<sup>10</sup>, but can involve between 5 and 12 hours of mediation dependent on issues to be discussed. The training to become a mediator is also lengthy, and therefore the Government needs to invest in training in order for services to be able to cope with increasing demand.
- 5.4 Recent emphasis from the Government concerning family breakdown/relationships has ignored the complex issue of contact between children and both parents where parental 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.

#### **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.

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- 6. Comments on operation of the 'gateway', which will require parents to consider a range of options for the agreement and collection of child maintenance before they are able to apply for statutory support.**

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<sup>10</sup> National Family Mediation Network, <http://www.nfm.org.uk/faq>

- 6.1 Integrated services need to recognise that parents and families will enter the system at different stages in a family breakdown. There needs to be specific consideration on services that support families at different stages, such as when either parent enters or leaves employment, when parents find a new partner or have another child. Gateway services may be needed at very different points in time and the system needs to recognise this. 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.
  - 6.2 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.
  - 6.3 The maintenance support system should make use of existing family and community networks, where parents already have a trusting relationship with a service. 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.
  - 6.4 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.
  - 6.5 Barnardo's recommends that the Government uses the cost savings of the delivery of the new statutory system, to invest in the gateway services for separated and separating families. The gateway system can only function if there is enough investment to cope with the demand and to ensure that there is support available for all children and families, particularly the most disadvantaged and vulnerable.
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