

Briefing for third reading of the Child Support Collection (Domestic Abuse) Bill



16th June 2023



About us

The Poverty Alliance is Scotland's anti-poverty network. Together with our members, we influence policy and practice, support communities to challenge poverty, provide evidence through research and build public support for the solutions to tackle poverty. Our members include grassroots community groups, academics, large national NGOs, voluntary organisations, statutory organisations, trade unions, and faith groups.

Fife Gingerbread is a grassroots charity support lone parents and families in need. Our staff and volunteers deliver our projects focused on creating better todays and brighter tomorrows for children and young people. This is achieved through collaboration, co-production and partnership working at a local level – both challenging systems and delivering family support.

1. Introduction

Achieving financial security and income adequacy for children and young people, alongside their parents and caregivers, is vital to ensure positive outcomes for families. Research shows that family separation can lead to poverty for both parents, but the risk of persistent poverty is greater for single resident parents¹, around 90% of whom are women.

Child maintenance is a key source of income for many households in the UK, but long-term system issues are preventing parents from being able to access the support to which they are entitled. Improving systems of support around child maintenance should be a key priority area for policymaking to improve access to adequate incomes for families across the UK and reduce poverty rates among low-income households.

We welcome The Child Support Collection (Domestic Abuse) Bill and the opportunity to contribute evidence ahead of the third reading of the Bill. We strongly support the Bill's aim of better protecting and supporting survivors of domestic abuse accessing the Child Maintenance Service. However, we also note concerns by the Scottish Women's Aid and One Parent Families Scotland that the Bill's aims will not be achieved unless several other vital steps are taken to reform the system. We therefore echo calls for wider action including:

¹ Joseph Rowntree Foundation & Tavistock Institute (2015) 'Briefing Family Separation and Poverty' available at [Seperated-Families-Poverty-4th-Policy-Briefing.pdf \(d3ap8wlygzdrik.cloudfront.net\)](https://www.cloudfront.net/d3ap8wlygzdrik/Seperated-Families-Poverty-4th-Policy-Briefing.pdf)

- Remove Collect and Pay charges, as well as the £20 starting fee;
- Ensure that any requirement for evidence of domestic abuse is proportionate and is established within a trauma-informed process and following consultation with survivors and representative bodies;
- Outline plans for guidance and extensive training in a gendered understanding of domestic abuse and coercive control; and
- Record data which allows for the continuous improvement of the implementation of the Bill the removal of the charges associated with the service, as parents receiving maintenance through Collect and Pay are charged 4% on each payment, while paying parents face a 20% surcharge.²

The Poverty Alliance will shortly be publishing research, conducted in collaboration with Fife Gingerbread between August 2022 and April 2023. This research involved a survey with 270 parents and interviews with four parents, followed by a reflection discussion with 25 practitioners and a session with a frontline service using vignettes developed from the survey. This research illustrated a stark picture in terms of the experiences of child maintenance being ineffective for many families across Fife for those using and accessing the Child Maintenance Service. Resident parents reported the need for effective child maintenance was greater during the cost-of-living crisis. This briefing summarises our findings relating to the Collect and Pay service, and experiences of domestic abuse.

Our briefing underscores the gendered experiences of both child maintenance and domestic abuse. Eighty-one per cent of domestic abuse incidents in 2021/22 had a female victim and a male suspected perpetrator; and statistics from the Department for Work and Pensions found that 93% of parents paying child maintenance through the Child Maintenance Service being men.

2. Collect and Pay arrangements

Thirty-four people participating in our research had Collect and Pay arrangements. Respondents utilising these arrangements reported issues with payments and arrears. For those using Collect and Pay, where the Child Maintenance Service collects and passes on payments, the non-resident parent must pay an extra 20% on top of the maintenance due and the resident parent is charged 4%. This means the resident parent receives only 96% of the child maintenance allowance paid by the non-resident parent, thus reducing the available resources for their children.³

The principle of charging for Collect and Pay is intended to provide an incentive for parents to move their case onto 'Direct Pay whereby no collection fees apply'.⁴ This is a clear policy intention to avoid long-term usage of the Collect and Pay service. However, in practice, it is merely reducing the money available to parents across the

² One Parent Families Scotland and Scottish Women's Aid (2023) Child Support Collection (Domestic Abuse) Bill briefing available at <https://opfs.org.uk/policy-and-campaigns/policy-research/child-maintenance-service/child-support-collection-domestic-abuse-bill-briefing/>

³ Foley, N (2023) 'Child Maintenance: Fees, enforcement and arrears' available at <https://commonslibrary.parliament.uk/research-briefings/cbp-7774/#:~:text=For%20those%20using%20%E2%80%9CCollect%20and,by%20the%20Non%2DResident%20Parent.>

⁴ Ibid.

UK, and failing to recognise the impact of domestic abuse. Our forthcoming research thus recommends the removal of charging on resident parents within the Collect and Pay system in recognition of the increased pressures households are facing during the current cost of living crisis and the loss of income this represents to children.

3. Domestic abuse and child maintenance in the UK

Exploring non-uptake of child maintenance arrangements was a key aim of our research, as we seek to understand the reasons why some families do not have an arrangement. Evidence from the National Audit Office has found that that 350,000 parents with care or resident parents do not have maintenance arrangements of any kind but would like one.

In our survey, respondents were asked to indicate all reasons that contributed to a household having no child maintenance arrangements. Their responses show that families in Fife are facing several barriers and challenges preventing them from accessing child maintenance. Experience of a negative or abusive relationship with the other parent was the largest response, with 73 respondents indicating this was a reason for not having an arrangement. The second largest response in the survey (48 respondents) was from parents who did not have contact or a relationship with the other parent. These stark findings point to domestic abuse having an impact on women's ability to access child maintenance agreement and to achieve an adequate income. One survey respondent stated:

“My ex-partner to my 8-year-old hasn't seen his son since he was 1 and a half, he was abusive to me for 5 years until I finally left him... I've never ever received a single penny for my son” (Survey respondent)

Child maintenance and the connections and experiences of domestic abuse and coercive control is an area that requires further research. Evidence from One Parent Families Scotland documented that domestic abuse has been a barrier to parents pursuing child maintenance arrangements because of fear and concerns regarding safety.⁵ The support service, Surviving Economic Abuse, highlights that child maintenance can be used as a tool of economic abuse; for example, through refusal to pay or threats or conditions applied to payment and that some resident parents may be avoiding pursuing child maintenance to avoid or prevent continuation of abuse.⁶ Financial abuse is a form of economic abuse reported to be present in 99% of cases of domestic abuse.⁷ Financial abuse contributes to higher levels of debt and poverty among single mothers.

Within our research, experiences of trauma emerged as an inhibiting factor to child maintenance arrangements. It was important that those supporting families with child maintenance including those working within the CMS but also those in wider settings working with families were fully skilled including being trauma informed and

⁵ One Parent Families Scotland (2022) Written evidence from the One Parent Families Scotland CMS0015 available at <https://committees.parliament.uk/writtenevidence/109821/pdf/>

⁶ Surviving Economic Abuse (Nd) online 'Supporting Children' available at https://survivingeconomicabuse.org/i-need-help/getting-support/supporting-children/#Child_maintenance

⁷ Hughes, B (2021) 'The hidden harm of financial abuse' available at <https://www.fca.org.uk/insight/hidden-harm-financial-abuse>

experienced areas such as coercive control, financial abuse, and gender-based violence.

Victim-survivors of domestic abuse need to be better supported in all types of child maintenance circumstances, including those examples where there is currently no arrangement. Within the survey open-ended responses, comments highlighted the risks that victim-survivors felt were posed by starting a child maintenance claim. Respondents noted the risk of repercussions and reprisals from an ex-partner and their family. This issue is a significant challenge to survivors accessing support and a recent review has been conducted by Dr Samantha Callan to review CMS support for parents who have experienced domestic abuse in setting up a child maintenance arrangement.⁸ Through our research, we heard from women about the impact of domestic abuse within child maintenance:

“I have only just applied as I was too scared in the reaction of my son’s dad and what would be the consequences of doing it this was”. (Survey respondent)

“Child Maintenance should be carefully considering things like abuse and violence from ex partners and should have safety measures in place to protect the claimant”. (Survey respondent)

“My experience of child maintenance is that it has felt like a weapon”. (Survey respondent.)

Concerns have been raised for some time about insufficient specialist domestic abuse training for CMS staff, leading to poor and all-too-often distressing experiences for survivors. One of the recommendations in our forthcoming research is thus to embed a trauma-informed approach within the CMS to improve service experiences in practice. This needed to include training around issues such as domestic abuse, including the impacts of financial abuse and coercive control.

4. Case study – Experience of a family-based arrangement

Kate* (names have been changed) and her partner had two children together. When their relationship broke down, she approached her ex-partner about child maintenance. They agreed to have a family-based arrangement for a fixed amount. However, the lack of external support and assessment, coupled with increased flexibility, within family-based arrangements facilitated coercive and controlling behaviour from her ex-partner.

Kate highlighted the instability of the arrangement when she was a full-time resident parent.

“Controlling behaviours, it wouldn’t be paid it when it was due, for example if it was a Friday, wouldn’t be paid then to limit and control what I could spend it on, there would be times where it was skipped, it would be a week late, he refused to set up a direct debit, it had to be on their terms”.

⁸ Gingerbread Response to Changes to the CMS to Protect Survivors of Domestic Abuse available at <https://www.gingerbread.org.uk/what-we-do/news/gingerbread-response-cms-protection-survivors-domestic-abuse/>.

She struggled with these arrangements for several years as a lone parent as well as accessing wider support with mediation with co-parenting. Despite this, payments continued to be delayed and her ex-partner's coercive and controlling behaviour had a negative impact on Kate's mental health. She then contacted the CMS to access support that then resulted in her payments being stopped completely by her ex-partner. This resulted in in a significant period without any payment.

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