

# BAIRNS COME FIRST FAIRNESS FOR THEIR FUTURE

A STUDY INTO CHILD MAINTENANCE IN FIFE



WRITTEN BY FIONA MCHARDY





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Third Sector organisations play a key role in working collaboratively with services at a local level to engage with families and build capacity. The FNA has extended the reach of some organisations through additional funding, which has allowed new developments to be tested. This report and subsequent campaign is one of these developments. The proposal for this research was approved by this group in recognition of the importance of child maintenance and the significant impact on families and children's life chances.

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Responsibility for the accuracy of the report – and any errors, or misinterpretation of the responses lies with the report author.

# Executive Summary

This research set out to explore and understand the issues of child maintenance for both individuals and services within the Fife area.

The research questions sought to:

- Understand the experience of families who are both accessing and not accessing support through the new maintenance system and the previous system.
- Explore the experiences of resident and non-resident parents of child maintenance
- Explore the implications for local services of payment and non-payment of child maintenance.

The evidence collected in this project sought to add to the knowledge of child maintenance. This study provides a critical picture of the experiences of child maintenance and the issues families face.

## Methodology

The research employed a mixed method approach. The first strand was a survey of both parents with resident care and those with non-resident care. This was co-produced with volunteer parents from the Fife Gingerbread service. The survey focused on understanding the approach parents were taking with child maintenance, experiences of support and advice, experiences of the type of arrangement employed and any wider issues parents wished to raise.

A stakeholder discussion was held. The sample was targeted amongst front line workers and management level staff from a range of statutory and voluntary agencies working with families across Fife. It explored key challenges for families in the transition to the new system., the wider context and the implications for services supporting families.

In addition, seven qualitative one to one interviews were conducted, with resident parents with care and non-resident parents with care. These were semi-structured interviews to explore issues in detail. The interviews were recorded and thematically coded and used to create case studies of experiences.

## Policy Context

Child Maintenance is financial support from a non-resident parent to a parent with care to help with a child's everyday living costs. A new system of support for parents the Child Maintenance Service (CMS) was introduced in 2012 to replace the Child Support Agency (CSA). The new system operates a different process from the CSA. This includes

- A one-off, upfront fee of £20 is charged when parents with care make an application to the new statutory Child Maintenance Service
- Parents can pay through the Direct Pay System or Maintenance Direct or through a family based arrangement.<sup>1</sup>
- However if the non-resident parent subsequently fails to pay in full and on time, the payment of maintenance will be enforced through the collection service with a collection fee charged<sup>2</sup> through Collect and Pay which levies a 20 per cent fee on the non-resident parent and a four per cent fee will be deducted from the maintenance paid to the parent with care.<sup>3</sup>

## Key Findings: Understanding Relationships

- Relationships break down in different ways, the complexity of this means that there are number of different financial implications for families such as housing circumstances.
- Various child maintenance arrangements can be set up. The effectiveness of different types of arrangements varies. Families need options in regards to child maintenance arrangements to help them find one that fits their needs.

## Child Maintenance Arrangements and their Effectiveness.

- The mixed picture of 'success' across different child maintenance experiences amongst different types indicates there are challenges and barriers facing household with establishing and maintaining child maintenance arrangements.

- People reported a variety of arrangements from a family based arrangement to cases being pursued through to the service Child Support Agency
- 1 in 4 parents surveyed reported partially successful arrangements and 1 in 3 indicated that 'no arrangements'.

### **Relationship Separation**

- Relationship separation resulted in complex emotional issues to be resolved. Changing circumstances such as living arrangements resulted in transitions where child maintenance was one of many life changes parents needed to address.
- Child contact is a separate issue from child maintenance although many parents see it as connected and this was often a source of conflict for separated families.
- A number of issues were identified as problematic: where to access support; financial barriers; and charging.

### **Advice Provision and Child Maintenance**

- A need was identified by practitioners for greater provision of advice and information on the issues faced by separating families on child maintenance.
- A complex and changing policy environment had resulted in a lack of awareness of the child maintenance system.
- A number of resident parents had not accessed advice. Of those who had there was a range of sources consulted including MP's and lawyers.
- Resident Parents often described a lack of knowledge of where to access advice on setting up and maintaining arrangements. Many reported inconsistent advice from the Child Support Agency and Child Maintenance Service which could lead to disengagement with services.

### **Child Maintenance Arrangements in Practice**

- Amounts of child maintenance were paid were determined by a number of different routes. Levels were not always viewed as adequate for a child needs.
- Resident parents reported a mixture of weekly and monthly payments. Evidence emerged that many had issues with lower payments or missed payments. Charging for compliance processes within the Child Maintenance Service was deemed a barrier to addressing this.
- Compliance issues were a key problem in both the old Child Support Agency and the Child Maintenance Service. Issues were reported on investigations, wage deduction and the sustainability of arrangements.
- Family based arrangements were more likely to be successful if there were clear communications between separated parents and a joint recognition of children needs.
- Families with limited contact or no contact with the non-resident parent were reliant on the effectiveness of the system to assist them with their child maintenance claims.
- Ineffective processes in the system of support both child maintenance service and child maintenance services were reported with long period of limited progress on resident parents claims.
- Parents reported changing arrangements due to changing salary or wage levels, meeting of new partners and financial difficulties.
- Some parents had reported moving onto a family based arrangement due to the introduction of a new service, other reported arrangements changing when cases were migrated over to the new system of support.

### **Relationship Dynamics and Child Maintenance Arrangements**

- Communication is central to effective child maintenance arrangements, in particular written and telephone communication from services both Child Support Agency and Child Maintenance Service needs to be accessible, consistent and accurate.

- Maintaining good communication between resident parents and non-resident parents was important to avoid conflict on child maintenance.
- For resident parents who have experienced abusive relationship there needs to be greater support available. Child maintenance can be used as a form of coercive control.
- There needs to be recognition of the issues that may be faced by those in cases migrating from the old to the new system who have experienced domestic abuse.
- Separation brought challenges to both parents and their children. The emotional impact of separation was recognised to impact on children and the need for advice and support to assist with this transition was critical.
- Arranging child maintenance could be physically and emotionally draining for parents with outcomes such as self-esteem, poor mental health reported across this study. Where relationships had been abusive there was also threats to personal safety reported.
- Shielding children from issues with child maintenance arrangements could be difficult. Parents reported awareness of children particularly in households where there were multiple child maintenance arrangements.
- Affordability of child maintenance arrangements for non-resident parents is important and must be balanced against the cost of raising a child or children.
- Self-employment of non-resident parents was problematic in terms of calculations for levels of child maintenance
- Case transfer from the old Child Support agency to the new Child Maintenance service could prove challenging for families where relationships were precarious.
- Evidence on the experiences of non-resident parents is limited and more research is needed to understand the experiences of this group.
- Compliance issues can be driven by system administration processes.
- Concepts of fairness and justice were deemed as important by non-resident parents, when establishing payment procedures

## **Barriers and Issues In Child Maintenance Arrangements**

- The introduction of a £20 charge for accessing the Child Maintenance Service has been a deterrent for those who have negative experience of the previous Child Support Agency.
- The contribution of Child Maintenance is vital for households especially for costs that may be 'less visible' within household spending such as childcare to help resident parents in employment.
- New relationships could often mean the renegotiation of existing child maintenance arrangements. This was stage where family based arrangements were at risk of breakdown.
- Stakeholders reported vulnerable families finding establishing child maintenance more difficult.

## **Conclusions and Recommendations**

This research was commissioned by Fife Council Family Nurture Steering group. This multi-agency partnership explores the early intervention and preventive programme in Fife. The research was approved by this group in recognition of the importance of child maintenance and the significant impact on families and children's life chances.

Child maintenance remains a difficult and problematic issue in social policy. With the rise in lone parent headed households<sup>4</sup>, there is a need for more focused policy analysis and discussion on the subject of child maintenance and its effectiveness. Addressing child maintenance within the UK has been an ongoing process with various reforms taking place including the introduction of the new Child Maintenance System and the phasing over from the old Child Support Agency. The complexity of household circumstances and type of arrangements will need a holistic approach to assist families at different points throughout the life course of a child and to ensure the health and wellbeing of children and their carers and to ensure that families aren't missing out on vital income.



A number of recommendations are made drawing upon the evidence presented within this report. These are relevant to Fife Council and their wider partners in the strategic and operational delivery of services aimed at supporting families and improving their wellbeing, and to policy makers both at a Scottish and UK level.

## UK Government

- Remove the initial £20.00 charge for accessing support from the Child Maintenance Options; this is a barrier to low income families and prevents some families from pursuing a claim.
- Abolish collection fees under the Collect and Pay option of the Child Maintenance System on the parent with care. The structure as it stands currently within the CMS penalises resident parents with 4% fee. This results in the financial loss to the resident parent with care as a result of compliance issues with the non-resident parent and this loss of income from collection fees represents a significant loss of income across a child's life course.
- Structures should be created for end users of the Child Maintenance Agency and the Child Support Agency to share their experiences with policy makers to review the effectiveness of the support available and remove barriers for families to maintain child maintenance arrangements.
- Increased enforcement processes are required to deal with long term non-compliance and arrears cases from the Child Support Agency to pursue outstanding arrears to decrease the levels of missed income families are experiencing. This needs to be targeted in particular at cases being migrated over to the new Child Maintenance Service.

## Scottish Government

- As part of the focus on prevention and through the Getting it Right for Every Child (GIRFEC) framework, there needs to be a greater awareness of the issue of Child Maintenance and the potential impacts on a child's wellbeing.
- Further research required on the needs for non-resident parents and their support issues in terms of child maintenance and

understanding what factors contribute to maintaining successful child maintenance relationships for non-resident parents.

## Fife Council and Local Support Services

- There is need for training for service providers and agencies working with families to highlight the issues of child maintenance and the introduction of new system and to support families to access advice on their child maintenance needs and other separation issues.
- Support is required for families recognising different transition points after separation when families may need assistance with child maintenance for example – when parents re-partner, changing economic circumstances such as job loss, illness and so on. Parents need to have advice providers who can assist with mediation and other emotional support for parents when navigating family based and other types of child maintenance arrangements.
- There is need to raise awareness across services on the emotional impact on children and caregivers wellbeing as a result of complex child maintenance cases and failures to receive payment.
- There is a need for support and provision of awareness raising for families to understand the financial costs of children to assist them with understanding potential visible and invisible costs they may face upon separation.

The emphasis on family based arrangements by the current UK government will only be applicable for certain families and maintaining these will need specific support. For those who require use of the new Child Maintenance System, the system needs to be effective and support families to have operative arrangements, and where support with compliance is needed this needs to be streamlined to minimise loss of income to the child/ children. In particular further support is needed to support those with complex cases and those transferring from the CSA system. The wider context of other policy changes such as welfare reform will present for services an increasingly challenging context. Access to support service and advice will be of importance to ensure families are fully supported.

The importance of the payment from child maintenance cannot be overestimated particularly for low income families. Improving quality of life for families and ensuring they are accessing their entitlement is critical in terms of the rights of the child and families broader wellbeing. This research illustrates the complexity of the issues faced in Fife. It paints a picture of the hardship being faced by many families across Fife as a result of non-payments or difficulties accessing child maintenance support and the challenges and barriers faced maintaining and establishing child maintenance arrangements.

### **About the Project**

This research study was Commissioned by the Family Nurture Partnership in Fife and was a partnership project between the Poverty Alliance , Fife Gingerbread and Citizens Advice Fife and One Parent Families Scotland.

# Literature Review: Understanding Child Maintenance

Child Maintenance can be defined as <sup>5</sup>

*“Financial support from a non-resident parent to a parent with care to helping with a child’s everyday living costs”.*

When parents separate there can be a myriad of issues with the financial support of the child/ children. In most situations, the non-resident parent is required to pay child maintenance to the parent with care. This can take multiple forms including:

- A family-based child maintenance arrangement
- A government scheme through the Child Maintenance Service or the Child Support Agency
- A court order.

Each of the different schemes has their respective merits and challenges and setting up arrangements is complex. A long running system of support was previously administered under the Child Support Agency (CSA) before the introduction of the Child Maintenance Service. Historically the system of CSA the predecessor to the new Child Maintenance Service was plagued with problems. Under the old system of CSA a number of issues were reported this included:

- **Efficiency:** Often the agencies involved were working with relatively low sums of financial support. The average weekly collection was around £29. For parents who were in receipt of benefits there was a benefit reduction which worked as a disincentive for claiming. The administration of the system resulted in costs of 50 pence to collect every £1.00 of child maintenance <sup>6</sup>.
- **Information Technology:** Multiple IT problems impacted on the agency including issues with IT suppliers<sup>7</sup>.

The new system offers a different approach. As part of the Welfare Reform Act 2012 changes were introduced to support a new system of

child support –Child Maintenance System in Great Britain<sup>8</sup>. The emphasis behind the new system encourages parents to come to voluntary agreements as opposed to going through statutory services<sup>9</sup>. However, this will not be possible for all separated parents in practice. Some choose to do this privately; this is called a family based arrangement. Within the UK, a system of support is provided to assist parents with arranging claims, this is the Child Maintenance Service<sup>10</sup>. Information on options for separated parents is provided through the Child Maintenance Options Service.

The new service has several different administrative processes:

- A one-off, upfront fee of £20 will be charged when parents with care make an application to the new statutory Child Maintenance Service. This fee will not be applied if the applicant has declared that they are a victim of domestic violence, or if they are aged 18 or under.
- If the non-resident parent then pays the parent with care directly there will be no further charges or fees levied on either parent<sup>11</sup>. This can be done through the Direct Pay System or Maintenance Direct. <sup>12</sup>
- However if the non-resident parent is believed to be unlikely to pay or if the non-resident parent subsequently fails to pay in full and on time, the payment of maintenance will be enforced through the collection service with a collection fee charged<sup>13</sup>. This can be done through Collect and Pay or Full Collect Service<sup>14</sup>.
- The collection service will levy a twenty percent fee on the non-resident parent and four per cent fee will be deducted from the parent with care.<sup>15</sup>
- Where a non-resident parent fails to pay child maintenance, a process of enforcement measures will be applied to collect any outstanding maintenance and charges. Enforcement charges will be levied on the non-compliant non-resident parent<sup>16</sup>.

The impacts of the new policy must be carefully considered. In terms of gender equality figures indicate within the current CSA caseload, 95 per cent of parents with care are female, and equally 95 per cent of non-resident parents are male<sup>17</sup>. Therefore, the policy needs to be considered in terms of women’s caring roles. Analysis by Scottish Government has highlighted that the application fee will be charged to the parent making an application to the new statutory Child Maintenance Service and this will be mainly women<sup>18</sup>. The rationale behind charging was to encourage cooperation for non-statutory arrangements.

**Child Maintenance and Households**

The payment of child maintenance is critical for many families especially for those on a low income. Within the introduction of a new service, we need to consider the impact of charging parents with care on a low income the £ 20.00 initial charge. Impacts by also be disproportionately felt by low income families through the Collect and Pay service, where parents with care and charged for use of this. This has the potential to be a significant loss of income over the life course of child. This also has to be carefully considered in light of the wider context.

Recent research by Child Poverty Action Group (2015) has indicated that UK households living costs have been increasing while incomes have stagnated. Figures inform 2013/2014 showed that key household costs such as rents and childcare have continued to rise<sup>19</sup> This is set against a backdrop whereby many benefits and tax credits have been frozen or reduced therefore putting greater pressure on households with children<sup>20</sup>. In this context the issue of child maintenance payments becomes more important particularly for lone parents living on a low income. Research by Glasgow Centre of Population and Health (2014) into the experiences of lone parents cited that only 36% of those entitled to child maintenance payments are receiving them; almost two-thirds of lone parents on benefits receive no child maintenance payments.

At a local level within Fife figures indicate there are still challenges for many getting access to the financial support they require. In previous work carried out in Fife (2013) with low

income parents only 19.5 % of those surveyed in 2013 indicated that they received Child Maintenance<sup>21</sup>.

Wider evidence also points to issues with compliance and arrears. Figures for Fife below that the amounts of child maintenance arrears owed to parents with care was £17.6m<sup>22</sup>. The issue of arrears needs to be carefully considered in terms of its impacts on parents with care and in terms of the implications of this loss to the local economy and the financial loss of this to households where this income is not present.

<b>Amount of outstanding child maintenance arrears by local authority of the parent with care - March 2013</b>		
£		
<i>Local authority</i>	<i>Total arrears March 2013</i>	<i>Of which: Arrears owed to Parents With Care</i>
<i>Fife</i>	26,965,000	17,683,000

Source: *Theyworkforyou.com*

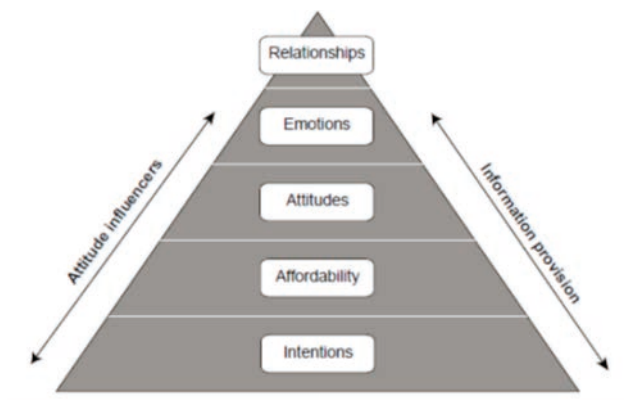
The issues of compliance and arrears have been a widely criticised problem of the old CSA system and the new CMS system has brought into force new structures to tackle this such as obtaining earnings data from HMRC<sup>23</sup>. Issues of compliance and arrears will need to be a priority.

Evidence collected by the Department of Work and Pensions has indicated that there is £3.8bn in child maintenance arrears owed by non-resident parents which has accrued since 1993, of this £1.4bn of arrears is on live cases with an ongoing child maintenance liability<sup>24</sup>. £2.4 billion of arrears exists on cases where there is no ongoing liability for example where the child is now an adult. Recent figures have indicated that *£43.5 million is currently owed in child maintenance arrears within the new statutory maintenance system since 2014*<sup>25</sup>.

## Relationship between Child Maintenance and Separation

The new system of child maintenance focuses on encouraging families to arrange child maintenance between them upon separation and to encourage ongoing dialogue between parents on payment of children. Experiences of child maintenance and separation can be varied. This diagram below based upon research conducted by PricewaterhouseCoopers indicates a model of prioritisation of drivers of child maintenance behaviour see fig 1<sup>26</sup>. According to this model the drivers which influenced behaviour varied in terms of their importance. The diagram was broken down to cite the most important factor being the nature of the co-parent relationship and a good co-parent relationship had the most positive influence on the parents propensity to set up and sustain a successful arrangement<sup>27</sup>. Affordability rated higher down but it remained unclear from this study the impact that poverty had on both parents with resident care and parents without resident care.

Figure One; Model of Drivers of Child Maintenance  
Source: PricewaterhouseCoopers



## Child Maintenance and Europe

Child Maintenance is an important aspect of social policy not only in the UK but across Europe. Evidence shows that most EU countries have legislation regulating child maintenance.

Across Europe there has been a significant rise in the number of single parent households receiving child maintenance. This has been attributed to the introduction of legal processes across EU states to enforce the payment of child maintenance. Different structures apply within different member states for example in Denmark and the Netherlands it is dealt with at a local authority level, by the state in Italy and Sweden, and by administrative agency in UK, Netherlands<sup>28</sup>.

Legally across most EU member states, the non-custodial /non-resident parent has a legal obligation to pay child maintenance. Implementation at member state level in the Scandinavian countries it is guaranteed by the welfare state, in contrast to the UK where it is viewed as a private matter. France is an example of a state where private insurance companies can cover non-payment of child maintenance<sup>29</sup>.

## Current Context

The current context around child is very challenging. The importance of child maintenance in the bringing up of children cannot be overstated in particular for families on a low income; the financial support can be significant in terms of alleviating day-to-day financial pressures and their quality of life and wellbeing. As result of this, it is critical that child maintenance is paid to parents with care and that this is adhered to wherever circumstances permit. The introduction of charging both through the initial fee and collect and pay charging represents a significant change for many separating families. Currently in the new system, child maintenance remains separate from child contact as in the previous system. Parents still have a liability to financially contribute to children's maintenance and the service does not intervene on child contact arrangements. The phasing in of a new system of administration of child maintenance represents a shift in the support available to families. This report will go on to outline the experiences families in Fife are experiencing in setting up and maintaining child maintenance arrangements.

# Research Questions and Methods

The research focused on exploring and understanding the issues of child maintenance for both individuals and services within the Fife area.

The research questions sought to:

Understand the experience of families who are both accessing and not accessing support through the new maintenance system and the previous system.

Explore the experiences of resident and non-resident parents of child maintenance.

Explore the implications for local services of payment and non-payment of child maintenance.

## Methodology

The research employed a mixed method approach. The first strand was a survey of both parents with resident care and those with non-resident care. This was co-produced with volunteer parents from the Fife Gingerbread service. The survey was distributed through social media, project websites working with families, and in targeted newsletters. It was also promoted through the Fife Rights Forum, a collection of agencies working across Fife both statutory and voluntary providers.

The survey focused on understanding the approach parents were taking with child maintenance, experiences of support and advice, experiences of the type of arrangement employed and any wider issues parents wished to raise.

The second method employed was a stakeholder discussion. The stakeholder discussion provided an opportunity to establish an understanding of child maintenance within Fife for families. The sample was targeted amongst front line workers and management level staff from a range of statutory and voluntary agencies working with families across Fife. It explored key challenges for families and recognition of exploring transition to new system, the wider context including welfare reform and the implications for services supporting families.

In addition, seven qualitative one to one interviews were conducted, with resident parents with care and non-resident parents with care. These were semi-structured interviews to explore issues in detail. The interviews were recorded and thematically coded and used to create case studies of experiences.

## Sampling Survey

In terms of the demographic of the Survey Respondents, the following information was gathered. Some questions were skipped by respondents allowing only a partial picture to be gathered.

The vast majority of Survey Respondents were parents with resident care. In total 189 respondents took part in the survey. Of these 168 parents (89.8%) parents had resident care, 19 (10.2%) of parents did not have resident care. Two did not respond to this question. The majority of the parents with resident care were female with only four male respondents having resident care. This area would warrant further research to understand the gendered implications and experiences of child maintenance.

The findings of this survey are consistent and reflective of wider trends of care patterns. Evidence from the Office of National Statistics (2014) found that, in the UK as a whole, women accounted for 90% of lone parents with dependent children and men the remaining 10%. These percentages have changed little over the 19 years since 1996. Women are more likely to take the main caring responsibilities for any children when relationships break down and therefore become lone parents<sup>30</sup>. Of non-resident parents within the study there was a limited response rate the findings cannot be seen as representative. Some trends from the work are outlined in the research but results must be used with caution due to the sample size.

# Research Findings

In this section we present the research findings. This section outlines the responses to the survey from parents with resident care and parents without resident care; it also provides evidence from the stakeholder discussion. Drawn from the interviews there is also a series of case studies to illustrate different experiences of child maintenance.

## Summary

- Relationships breakdown in multiple different ways, the complexity of this means that there are number of different financial implications for families such as housing circumstances.
- Multiple different of child maintenance arrangement can be set up. The effectiveness of different types of arrangements varies. Families need options in regards to child maintenance arrangements to help them find one that fits their needs.
- The mixed picture of 'success' across different child maintenance experiences amongst different types indicates there are challenges and barriers facing household with establishing and maintaining child maintenance arrangements.
- People reported a variety of arrangements from a family based arrangement to cases being pursued through to the service Child Support Agency
- 1 in 4 parents surveyed reported partially successful arrangements and 1 in 3 indicated that 'no arrangements'.

## Understanding Relationship

A relationship breakdown can occur for multiple reasons and across all different household types. In separation, this will result in a range of financial and social impacts for parents and children.

A review conducted by Coleman and Glen (2010) of parental separation has indicated that a number of economic factors were significant after a relationship breakdown. Coleman and Glen (2010) outline factors such as legal fees; moving; the need to maintain two households rather than one; additional childcare costs; impact on employment and earning prospects; impact on disposable income; and impact on services supporting the detrimental health and social impacts of couple relationship breakdown.<sup>31</sup> Against the context that Coleman and Glen (2010) highlight we can see the importance that child maintenance system can provide as a supportive framework for resident parents across those factors. The effectiveness of such a framework is critical for the mitigation of poverty and support for both parents and their children's wellbeing.

## Child Maintenance Arrangements: Types of Arrangement and their Effectiveness

This research looked to explore and identify experiences of child maintenance from both resident and non-resident parents. Across this study, both qualitative and quantitative evidence has emerged on the 'Success' of the effectiveness of child maintenance arrangements. Within the survey, Parents with resident care were asked to comment on the effectiveness of their child maintenance arrangement. Of the 144 responses provided to this question the following responses were given.

The results indicate that the proportion of resident parents who defined themselves as having a successful arrangement was 28 % of respondents (n40). In terms of a partially successful arrangements , 24% (n 35) indicated this was the case , 31% (n 45 ) indicated that they had no arrangement and 15 % (other) and unsure 1% (n2).

In the other responses given this also gave data whereby unsuccessful arrangement emerged. Respondents indicated failed payments and investigation into financial circumstances of the non-resident parent. One response indicated an individual had not wished to pursue child maintenance at all, though reasons for this were

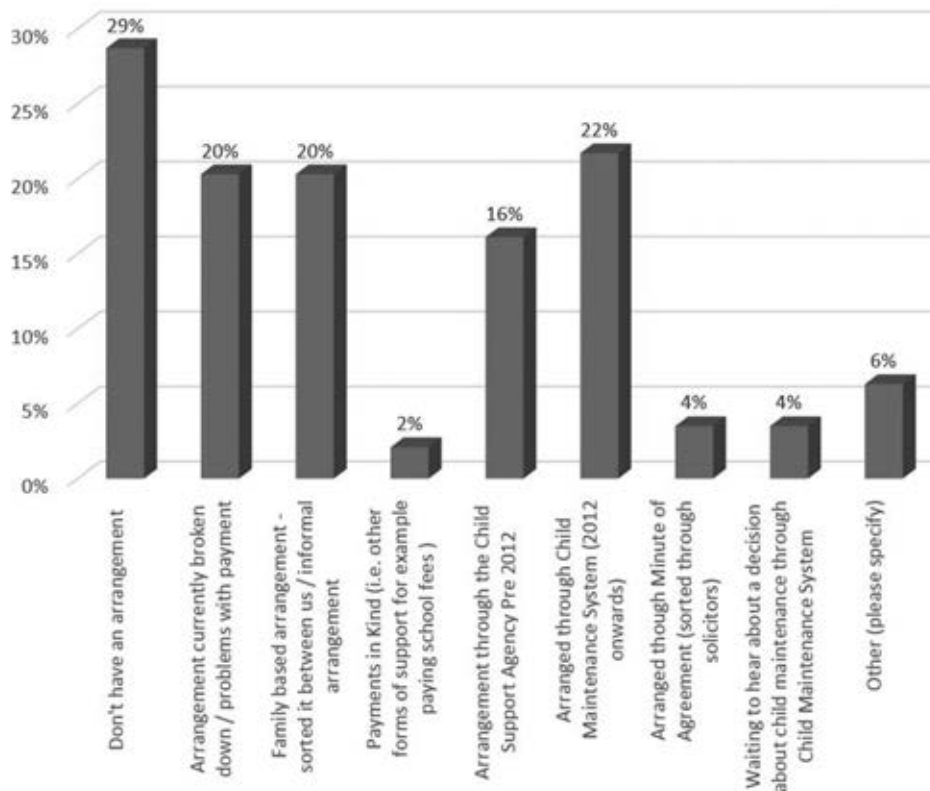
not given. Based on the responses given there is a concerning number of resident parents who are having difficulties with a partially successful arrangement, no arrangement or an unsuccessful arrangement.

Such evidence was also supported within data collected at the stakeholder discussion on child maintenance arrangements. Stakeholders discussed a number of issues that influenced the effectiveness of arrangements including adequacy of payment for the child's or children's needs, coherence of understanding of the arrangement between the resident parent and the non-resident parent, and flexibility of the arrangement to adjust to changing circumstances. Stakeholders provided

examples of both the old CSA system and the new Child Maintenance System being unfit for families using it as a tool to deliver child maintenance arrangements. In particular, they expressed concern at the emphasis placed by the new system on 'family based arrangements' whereby parents would be expected to sort an arrangement between themselves and the potential challenges family would face in doing so in negotiating and maintaining arrangements.

Parents with resident care were asked to discuss the type of child maintenance arrangement they had and to indicate all responses which applied. Of the 143 responses to this question, the following patterns were found.

**Types of Child Maintenance Arrangement**



- A significant proportion of respondents within the study did not have a child maintenance arrangement. 29 % (n41) respondents.
- Another 20 % reported arrangements currently being broken down (n29) respondents.
- A further 20% reported they had a family based arrangement (n29) respondents.
- 2 % reported Payment in Kind i.e. school fees (n3) respondents.
- 23% reported arrangements through the child maintenance agency pre 2012 (n23) respondents.
- 4% (n5) Arranged through minute of agreement.
- 4 % (n5) reported waiting to hear about a decision on child maintenance.



Other responses given included waiting to hear back from a local advice service, challenges with CSA investigations, infrequent informal payments, and issues with the child maintenance system resulting in coming to a private arrangement.

In cross-tabulation of the type of arrangement alongside the effectiveness of the arrangement figure 1.3, some interesting findings emerged. The most successful type of arrangement was The child maintenance scheme post 2012 with 16 respondents reporting a successful type of arrangement, and 11 reporting it was partially successful.

Next most successful type of arrangement was a family based arrangement with 15 respondents stating it was a successful type of arrangement and 11 stating it was partially successful.

Evidence from wider research on types of arrangements and their successes also highlight a challenging picture. Gingerbread 2011 highlight research which indicates only some of the parents are likely to be able to make effective private arrangements and this is associated with amicable relations between the parents and higher household incomes<sup>32</sup>.

The mixed picture of 'success' across different child maintenance experiences amongst different types indicates there are challenges and barriers facing household with establishing and maintaining child maintenance arrangements.

## Beginning the Process of Child Maintenance

### Summary

- Relationship separation resulted in a complex emotional issues to be resolved. Changing circumstances such as living arrangements resulted in transitions where child maintenance was one of many life changes parents needed to address.
- Child contact is a separate issue from child maintenance although many parents see it as connected and this was often a source of conflict for separated families.
- A number of issues were identified as problematic: where to access support as well as financial barriers and the charging within the new system.

## Relationship Breakdown - Emotional impacts

Parents with resident care and parents with non-resident care in interviews were asked to comment on issues that had affected their experiences of claiming and setting up child maintenance processes. Relationship separations can be experienced in different ways. The process of separation can include periods of trial separation, informal separation between a couple or a formal separation through the courts. Separation experiences were wide ranging and a period of transition for children. In some cases, a relationship may have been a casual interaction without emotional commitment or further relations and not have had a period of separation.

The process of separation was often a difficult time to put in place appropriate structures for child maintenance. The period of separation represented a period of emotional adjustment and it was difficult to fully breakdown costs.

Many interviewees discussed the emotional turmoil resulting from separation as being difficult to navigate. In particular, this was problematic when this collided with other life course circumstances such as job loss or caring

responsibilities. The loss of the relationship was, for some, as a major shock in their lives. The process of separation often led to a period of new housing circumstances and instability, in some cases having to move in with family members. This resulted in a pressurised period for separating couples to deal with these new circumstances, their own wellbeing and that of their child/children. The financial implications of this meant a period of insecurity as people looked to resettle their lives. This included thinking through multiple issues such as child contact arrangements, division of assets if available and so on. Navigating this territory was problematic and financial barriers could also play a part.

*“We just muddle along and try to maintain a civil relationship. It was never easy to discuss financial matters. We have not yet managed a separation, divorce or financial agreement about the children. I also feel a lawyer’s bill for these matters would be unbearable”*

*(Survey Respondent)*

One key theme emerged on the issue of child contact. The issue of contact was discussed across stakeholder discussion, interviews and the survey. Child contact again varies with separation and the circumstances between parents. The process of agreeing contact often interlinked with how child maintenance arrangements were constructed and agreed upon by parents, and could also be a source of conflict.

### Child Contact

Some competing or priority costs emerged around contact. Contact was generally viewed as the most important issue to provide stability for children and to assist them with coping with parental separation. Conflict over or around the subject of contact also contributed to challenges with child maintenance as it was often seen to increase tension and provide another negotiating point for parents to address when discussing costs of providing for children. Child Contact or access is legally a separate issue from child maintenance.

Within the survey evidence, some households discussed how child contact could result in issues with the payment of child maintenance and the problems with navigating this on an ongoing basis.

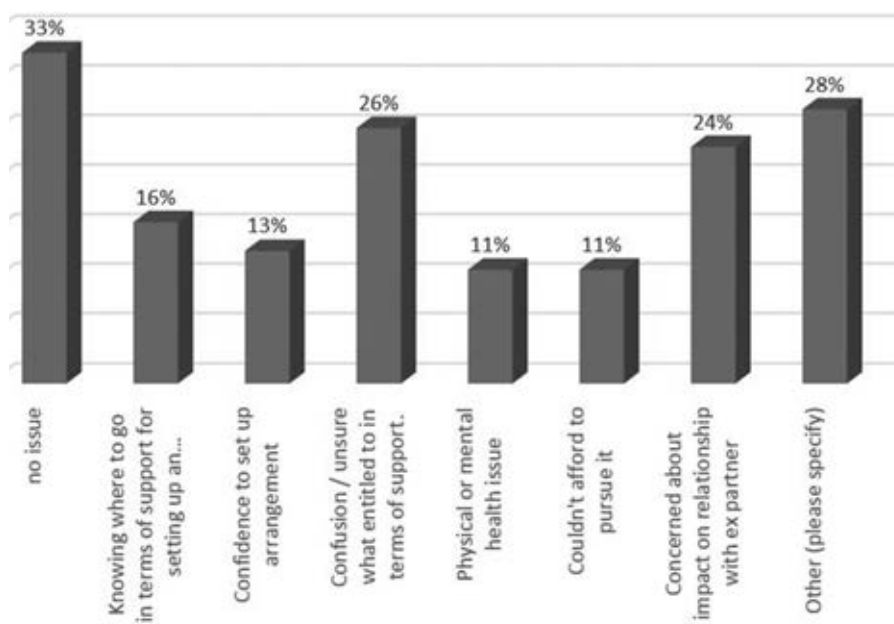
*“The children have a happy relationship with their dad. I tend to find that he stops contacting them if money is mentioned. It is often easier to not mention it”*

*(Survey Respondent)*

### Setting Up Arrangements

Within the survey, parents with resident care were asked about issues that had been faced in the process of claiming child maintenance. There were 54 responses to this question. These are detailed below.

**Issues during the Process of Claiming Child Maintenance**



Respondents indicated a number of issues including:

- 33% (n17) indicated no issue in setting up arrangement.
- 26% reported confusion and being unsure of what they were entitled to in terms of support (n12) respondents.
- 24% reported being concerned about impact on relationship with ex-partner (n12) respondents.
- A further 16% reported concerns in knowing where to go in terms of support for setting up arrangement (n8) respondents.
- 13% reported issues with confidence to set up an arrangement (n6 ) respondents.
- 11% Physical or mental health issue as being a barrier they face (n7) respondents.
- 11% reported that they couldn't afford to pursue it 11% (n5) respondents.

Other responses given included issues with investigative processes of child maintenance, compliance and arrears, irregularity of payments, impact on children and communication between parents.

The survey responses alongside the interview data indicate there is a wide range of issues being faced by parents when establishing child maintenance arrangements. Across all types of arrangements, and both the old CSA system and the new CMS system, parents were facing problems with the set-up of arrangements. This indicated problems with both the structures of support and individual household's experiences of separation.

### Going further: Areas for consideration

Data across this study indicates other areas and issues of concern where setting up arrangements may be more difficult and would warrant further research to understand the implications of these factors:

- Child Maintenance claims where parentage may a source of dispute or conflict within a maintenance claim.
- Claims whereby there is limited information on the non-resident parent for example has moved abroad or where there is no or very limited contact between parents, or is non-resident parent is self-employed.
- Claims whereby a non-resident parent or parent has had periods of imprisonment or recently released.
- Issues were low income was a key concern.
- Claims under the old CSA system where there had been limited or non-compliance and cases being phased over to new system.

The new Child Maintenance options system had introduced a one off charge for calculations new child maintenance options service for a calculation. The £20 fee was both Survey Respondents and interviewees and stakeholders as being problematic for some families to find. In several cases some cases it was prohibitively expensive to access this cost or resident parents had reported borrowing money to access the service or not accessing it all.

*"[20 pounds] was too expensive at the time as I was not working."*

*(Interview)*

Amongst interviewees, spoke of a reluctance to pay this much when they had previously had poor experiences accessing the previous CSA system. Several interviewees discussed issues of related financial costs such as having to make multiple phone calls in regards to their case.

## Advice Sources for Child Maintenance Issues

### Summary

- A need was identified by practitioners on the need for greater provision of advice and information on the issues faced by separating families on child maintenance,
- a complex and changing policy environment had resulted in a lack of awareness of the child maintenance system.
- A number of resident parents had not accessed advice. Of those who had there was a range of sources consulted including MP's and lawyers.
- Resident Parents often described a lack of knowledge of where to access advice on setting up and maintaining arrangements. Many reported inconsistent advice from the Child Support Agency and Child Maintenance Service which could lead to disengagement with services.

The experiences of separation and setting up child maintenance arrangements raised concerns and questions for many parents across this study. Stakeholders highlighted that the changes to support a new Child Maintenance system had been under publicised. Other welfare reform changes were cited as being viewed as a more immediate and pressing need for services to tackle. Stakeholders discussed how this policy had lacked a media focus, especially compared to other recent changes in social security, and cited the lack of information of that had been provided by the Department of Work and Pensions and Child Maintenance Service across Fife on this topic. They highlighted it would be helpful for practitioners and management staff in delivery of services with families to be provided with more focused information on the new system and awareness and training on the issues faced by families on child maintenance.

For parents setting up and maintaining arrangements, there was a strong message across the data collected on the need for greater advice and information. In particular, for cases whereby the claims process had been ongoing for a number of years, study participants described feeling of powerlessness and being unsure of where they could reach advice or obtain a second opinion.

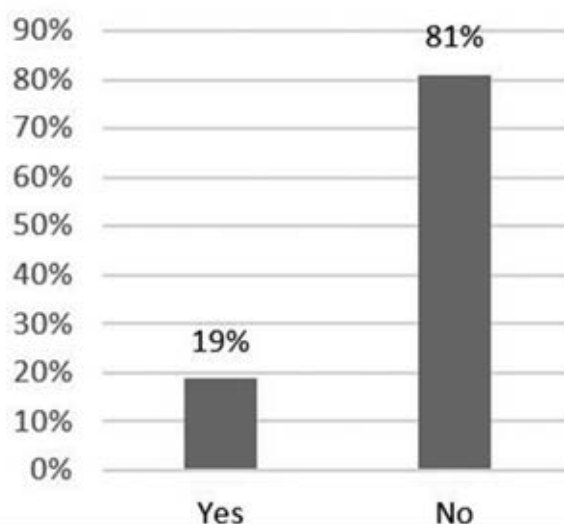
Several interviewees within the study discussed the system processes contributing to a lack of clarity in case procedures. Interviewees spoke of having multiple advisors and having no local base to have face-to-face discussion on their concerns and queries. This led to frustration, confusion, and some cases disengagement. One Interviewee highlighted issues with the centralised system.

*"Each phone advisor gave conflicting information which took weeks to sort out what information was correct"*

*(Survey Respondent)*

Parents with care within the survey were asked if they had accessed support from an agency or person in setting up a Child Maintenance arrangement. Of the 80 responses to this question only 81% having not sought advice (n64) respondents had not accessed support with only 19% seeking advice (n16) respondents.

### Help and Assistance obtained from another agency or person in setting up a Child Maintenance arrangement



For those who had accessed support they were asked to indicate the sources they had accessed support from. This included the CMS options service and the old CSA system, solicitor and lawyers and the local citizen's advice.

Several interviewees in the study had sought additional support and advice with their child maintenance concerns this included use of going to the local Member of Parliament's office and in one case going to an ombudsman about their case.

*"On 2 occasions I have had to contact my local MP's office"*  
(Survey Respondent)

One key emphasis of the new CMS service is the drive to shift households onto family based arrangements. There was a significant level of evidence collected within this study which highlighted challenges with maintaining family based arrangements such as when income was reduced, needs of children changed and so on, when families re-partner. The evidence highlighted need for advice and assistance when these break down and to maintain them at different points.

## Levels of Child Maintenance and Arrears

### Summary

- Amounts of child maintenance were paid were determined by a number of different routes. Levels were not always viewed as adequate for a child needs.
- Resident parents reported a mixture of weekly and monthly payments. Evidence emerged that many had issues with lower payments or missed payments. Charging for compliance processes within the Child Maintenance Service was deemed a barrier to addressing this.
- Compliance issues were a key problem in both the old Child Support Agency and the Child Maintenance Service. Issues were reported on investigations, wage deduction and the sustainability of arrangements.
- Family based arrangements were more likely to be successful if there were clear communications between separated parents and a joint recognition of children needs.
- Families with limited contact or no contact with the non-resident parent were reliant of the effectiveness of the system to assist them with their child maintenance claims.
- Ineffective processes within system of support both child maintenance service and child maintenance services were reported with long period of limited progress on resident parents claims.

## Levels of Child Maintenance

Wider research has shown that relationship breakdown leads to short and longer-term poverty, in particular for mothers caring for children<sup>33</sup>. In the period following separation there are gendered implications in that women are more likely to experience a greater reduction in income than men, and have an increased risk of living in poverty<sup>34</sup>. Research from Gingerbread UK has found that in a survey of their members, child maintenance payments were used for a mixture of needs, 67% said food for children, 73% said children's clothes and 50% said school costs, most frequently school uniforms<sup>35</sup>.

Across the study, parents with care reported wide variance within the amounts of child maintenance received. The setting of child maintenance amounts can be calculated in a number of different ways dependent on the routes chosen or pursued by the parents involved. For example a private arrangement could be determined using a calculation from the Child Maintenance Options Service without a solicitor or through a discussion separately between parents using a solicitor.

One key theme to emerge from survey data was the setting of amounts when a non-resident parent was in self-employment. Both surveyed parents with care and interviewees reported difficulties with this in terms of the calculation of amounts and discrepancies on what they perceived their child/children should receive in terms of support. Income adequacy was also an issue with regard to the needs of a child. In one interview a parent with care discussed their child's disability having additional costs, which were not recognised by the parent without resident care in their private arrangement.

## Child Maintenance Payment Structures

Structure of payment of child maintenance varied. Parents with resident care describing a mixture of amounts on a weekly or monthly basis. Across the survey data there was variation due to the economic circumstances of the households circumstances and the number of children involved. Parents with care reported a range of satisfaction levels within the amounts paid and the frequency of payments. 21 cases within the study reported receiving no payment. In addition, there were a number of

reports on infrequent or limited payments and one particular case being highlighted of a non-resident parent contribution of paying less than £30 for a child over an 18 year duration. One key concern outlined across several participants within the study was the value of pursuing child maintenance when the amount they would be potentially receiving would be minimal; this was a key issue if they would be using the collect and pay service.

*"I do not think it's fair that I will have to pay a set up/ collection fee . I only receive £5 a week" (Survey Respondent)*

## Consistency of Arrangements

Consistency of arrangements was seen as critical. Inconsistency in the amount paid, and in particular when lower amounts were paid, and irregular payments meant that resident parents could not budget for their child and household needs effectively, and this was reported to cause financial hardship and stress. Some resident parents reported debt incurring because of the fluctuations in income. Seasonal impacts were reported i.e. there are times when household spending may be under more pressure for example during religious celebrations and birthdays. Consistency of payments where there was one or more case being pursued was also problematic. In the situation whereby a parent with resident care had one successful arrangement and one where there was investigation or compliance issues this resulted in them having to, at times, redistribute money across the household in order to meet the needs of children.

## Compliance within Child Maintenance Arrangements

The issues of compliance emerged consistently across the project. Compliance within family based arrangements was subject to divergence dependent on household circumstances. In some cases, families were subject to a pattern of non-compliance or a pattern of sporadic or partial compliance in either frequency of payments or level of payments or in some cases both). This was down to a number of factors including financial insecurity, parental attitudes and starting a new relationship. A successful family based arrangements with high levels or full compliance required a shared consensus and commitment to the concept of child maintenance that was regular and

adjustable in line with changing circumstances. Evidence from interviewees showed that where parental relationships had clear and open patterns of communication and a shared recognition and commitment of children's needs, they were perceived as a strong basis for the likelihood of more effective family based arrangement.

Where family based relationships were problematic they faced issues in maintaining levels or frequency of child maintenance for example due to conflict, changing contact arrangements or changing financial circumstances. An issue of arrears and reconstructing or reinstating child maintenance arrangements was often difficult and could lead to total collapse of arrangements. Mitigating factors against this were dependent on consistency and levels of payments prior to compliance issues.

### **System and Process Challenges**

Compliance through the system was also challenging. Issues were cited by interviewees and across the survey on the compliance structures and procedures within the old and the new system. This included issues with investigations, wage deductions and with the sustainability of arrangements.

Investigations were employed by the old and new system to pursue complex cases. There was an emphasis on parents with resident care to provide as much information as possible to allow investigation of the parent without resident care. Parents with resident care reported finding this stressful and challenging. The timescales of passing information and receiving feedback on care progressions were often several months and resulted in some parents with resident care feeling discouraged and frustrated with pursuing their claims.

Parents with resident care reported feeling there was an emphasis on the claimant to provide information and that the system was reliant on them doing so. For those with limited information or no contact with the parent without resident care this was particularly challenging.

*“ They told me they have to prove where they work which is not easy as I haven't spoken to him in over 2 years”*

*(Survey Respondent)*

Evidence from the interviews also illustrated challenges with mishandling of information regarding compliance. One non- resident parent discussed having a child listed on their Child Support Agency where they were not the birth parent of that child and therefore had no grounds for child maintenance. Other issues emerged on money being over deducted and having to receive payment back.

Evidence emerged of issues with courts orders and salary deductions at employers and the effectiveness of this in compliance processes. Parents with resident care reported this being ineffective in some cases resulting in child maintenance still not being paid at appropriate levels or within suitable timeframes. Evidence emerged across the study of issues with employer employers and payments being processed by the CSA. Other wider concerns on the subject of compliance and arrears were raised about review procedures within ongoing cases and their effectiveness in terms of for example re-assessment of a non-resident parents income levels.

The CSA system has been widely criticized for investigations into non-resident parents. Figures have shown that there has been a significant amount of unpaid maintenance. The Independent Advisory Panel on Child Maintenance cited the CSA arrears balance had reached £3.9 billion over a 19 year period with thousands of resident parents not receiving money.<sup>36</sup> This historical context indicates challenges with enforcement and compliance with child maintenance.

Under the new system there should be more frequent reviews as information will be administered utilising HMRC data however, this needs to be further explored in practice. Wider areas of social policy utilising HRMC data such as universal credit have come under much criticism.

## Flexibility of Child Maintenance Arrangements

### Summary

- Parents reported changing arrangements due to changing salary or wage levels, meeting of new partners and financial difficulties.
- Some parents had reported moving onto a family based arrangement due to the introduction of a new service, other reported arrangements changing when cases were migrated over to the new system of support.

Flexibility with arrangements is critical. Family needs will change and adjust over time for example changing work patterns and changing needs of the children. Following separation women are at higher risk of experiencing a greater reduction in income than men and have an increased risk of living in poverty. Research has reported a myriad of reasons including increased caring responsibilities, housing costs, and inconsistent payment of child maintenance<sup>37</sup>.

After separation women are more likely to experience a greater reduction in income than men, are less likely to recover their income to pre-separation levels and have an increased risk of living in poverty (Aassve et al., 2006; Jarvis and Jenkins, 1999; Perry et al., 2000; Seltzer, 1994; LSE, 1998)<sup>38</sup>. This is mainly due to their resulting lone parent status, reduction in household income due to separation from their partner, increased caring responsibilities, difficulties maintaining employment, problems meeting housing costs, dependence on welfare and inconsistent receipt of child maintenance (Rodgers and Pryor, 2001; Evans et al., 2004; Walker et al., 2011)<sup>39</sup>.

Parents with resident care and parents without resident care were asked to provide details of circumstances whereby they had changed an arrangement. Parents reported a range of contexts whereby they had changed financial arrangements. This was down to a number of changing contexts including:

- Salary increases
- Redundancy.
- Financial difficulties.
- Child contact arrangements.
- Changing circumstances.
- Flexible private based arrangements.
- Meeting of new partners

Access to legal support was discussed as a key challenge to changing arrangements. Several respondents reported difficulties in using a solicitor to make arrangements. Several reported the fees of going through a solicitor had resulted in them being unable to pursue child maintenance.

*“Tried through the court, but I couldn’t afford to pay for the solicitor, and had to give up...”*

*(Survey Respondent)*

*“Original arrangement organised via solicitor - took two years and lots of fees to get through court....It lasted a few months then ex went to CSA and asked for new arrangement. Altered several times as his income changed.”*

*(Survey Respondent)*

Several parents reported changing from arrangements through the Child Support Agency and shifting to the private arrangements as result of the new system coming into administration. Some reported challenges as a result of this for example being unable to contact the non-resident parent. Others reported shifts from their cases being migrated across to the new system.



## Communication and the Relationship with Arrangements

### Summary

- Communication is central to effective child Maintenance arrangements, in particular written and telephone communication from services both Child support agency and Child Maintenance Service needs to be accessible, consistent and accurate.
- Maintaining good communication between resident parents and non-resident parents was important to avoid conflict on child maintenance.
- For resident parents who have experienced abusive relationship there needs to be greater support available. Child maintenance can be used as a form of coercive control.
- There needs to recognition of the issues that may be faced by those in cases migrating from the old to the new system who have experienced domestic abuse.

Effective communication was central to child maintenance arrangements. Survey Respondents reported communication being important on two levels – between caregivers or parents and with those administering child maintenance (including the CSA System and the new Child Maintenance system). Respondents discussed communication in both telephone and written forms.

Maintaining communication as children's needs changed and circumstances changed was viewed as critical. Discussion within stakeholder groups emphasized the importance of healthy communication patterns within separation contexts for the nurturing of children and young people. This was outlined, as promoting positive outcomes for families. Where positive and healthy communication was not achieved across separated families, this would have adverse outcomes such as increased parental mental ill health etc.

Stakeholders outlined contexts whereby it was more challenging to maintain positive relationships when parents were separated and experiencing more circumstances that were chaotic: insecure housing or interactions with criminal justice system. Several stakeholders felt that the subject of child maintenance had to be negotiated when a resident parent was in an appropriate 'headspace' to do so due to the multiple aspects of life that needed addressed upon a separation.

### Child Maintenance and Coercive Control

Stakeholders agreed that there may be occasions whereby communication may be inappropriate for example when there had been domestic abuse within the relationship and in situations where this was the case, the Child Maintenance System of administering child maintenance would need to be effective.

Stakeholder concerns reflect the concern of those likely to be applying to the Child Maintenance System. Evidence from the DWP Impact Assessment in 2012 outlined that survey evidence on anticipated services implications founds that 32% potential applicants are likely to declare domestic violence.<sup>40</sup> Wider evidence on financial abuse as an aspect of domestic abuse also supports the need for a child maintenance system to work effectively particularly when there may be individuals who may not disclose.

Evidence from Women's Aid (2014) found that support with finances needs to be accompanied by an understanding of specialist knowledge about domestic violence. They outlined that survivors need to be able to identify that financial abuse has occurred; to feel they can disclose this to another person in a safe and confidential way; and that in response an individual or agency will believe them and support them in appropriate ways. Within their study of financial abuse they found evidence of domestic abuse, and that there had been a lack of recognition of financial (or indeed other forms of) abuse from a range of agencies including lawyers and banks. Over a third of respondents within their survey had asked no one for help, either because they had nobody to turn to or were afraid to ask<sup>41</sup>.

In the research undertaken for this study, Survey Respondents outlined issues of coercive control and of financial abuse within child maintenance arrangements. This included resident parents being subject to physical assault and other forms of domestic abuse.

*“My ex was abusive and I have been avoiding contact as much as possible. I avoided contact and conflict with my ex, I just gave in rather than do anything about it”.*

*(Survey Respondent)*

*“ Using maintenance as further control when abusive relationship ended. Ex-partner throwing... money at me when collecting or returning child from contact”*

*(Survey Respondent)*

*“Unreliable prior to agreement. He used it as a method of control”*

*(Survey Respondent)*

Several reported that the process of asking for child maintenance had resulted in them being subject to harassment.

*“The entire process of applying for child maintenance led to a lot of anxiety, received abuse from partner via text and posts on Facebook. I spent a lot on telephone calls constantly chasing up my case and received conflicting information on several occasions. Anxious every month whether or not ex-partner will actually pay”*

*(Survey Respondent)*

The issue of migrated cases opening onto the new system also posed problems with respondents indicating this was causing uncertainty and stress and was emotionally triggering for women who had previously experienced domestic abuse.

*“The letter opened old issues with no warning”*

*(Survey Respondent)*

## Information

A core theme emerged on the inconsistency of information received and how that shaped people. This was between not only non-resident parents but also from the system assisting with child maintenance (including the CSA and new Child Maintenance System)

*“Trying to figure out what the letters that you receive are actually stating. The letters are not very clear as to what they are meaning”.*

*(Survey Respondent)*

Having to make multiple phone calls and inconsistency of advisors both in terms of dealing with multiple advisors and inconsistent advice was also highlighted as an issue. Figures on the old system indicated that demand on telephone support from the child maintenance options service was high. For the period of July 2008 up to March 2012 there were almost 900'000 inbound or outbound telephone calls<sup>42</sup>.

## Emotional Support and Impact on children

### Summary

- Separation brought challenges both to parents and their children. The emotional impact of separation and beyond this was recognised to impact on children and the need for advice and support to assist with this transition was critical. Arranging child maintenance could be physically and emotionally draining for parents with outcomes such as self-esteem, poor mental health reported across this study. Where relationships had been abusive there was also threats to personal safety reported.
- Shielding children from issues with child maintenance arrangements could be difficult. Parents reported awareness of children particularly in households where there were multiple child maintenance arrangements.

A core theme emerged over the project about the need for focused support and advice. This was seen as critical for parents and children. Financial matters were seen as source of stress and anxiety for families during separation and child maintenance was seen as an issue that often involved a huge amount of energy even within amicable separation.

For those who had experienced domestic abuse there were particular support needs that needed to be recognised and the process of going through the previous system of CSA and new system of Child Maintenance did not do this.

*“People are often vulnerable during separation - emotionally, dealing with loss and trying to put needs of children first. Dealing with money is only one aspect”*  
(Survey Respondent)

Parents with resident care reported harassment and physical assault during the process of trying to arrange child maintenance and this was problematic for families.

*“Once my ex-partner found he could miss or defer payments and the CSA weren't proactive in pursuing this he knew it was possible to give us no money or use money as a way to further exert control over me. It enabled abuse to go on longer than it might otherwise have. I felt a victim of the system. It's discriminatory and a disgrace, in no way did this prioritise the needs of the children. I was desperate, angry etc. In the end I gave up and did without maintenance, the children were disadvantaged as a result”.*  
(Survey Respondent)

### **Awareness of Children of Child Maintenance Arrangements.**

The process of separation and its impacts on children were highlighted by stakeholders, surveyed parents and interviewees. The process of establishing and maintaining child maintenance arrangements was in some cases difficult to shield children from. The age and understanding children had of separation was often a key factor in this as children often overheard phone calls or were present in the room when sensitive issues were discussed.

Evidence emerged where there were multiple child maintenance arrangements there was tension in the household as a result of their often stark disparity between successful and unsuccessful claims. Parents with care reported challenges where children and young people were critical of 'their' maintenance money being spent on other siblings as parents tried to spread household income across siblings. Parents with care reported concerns about the impact on a child's emotional wellbeing whereby they had an awareness of complex or a long-standing dispute over child maintenance payments. One interviewee linked this issue to a lack of contact with child enhanced this difficulty. Participants discussed time spent navigating the system with the CSA/ CMS was difficult when children were around.

In addition, for those who were non-resident parents navigating the system posed issues in the time spent navigating cases impacting on quality time with the children especially if they had a limited period of contact. Participants discussed lengthy phone calls and children witnessing frustration. Parents acknowledged this was difficult for children and were concerned about the impact on their wellbeing.

The pressures of dealing with claims often affected parents and their own mental wellbeing. Across the study both Survey Respondent and interviews reported concerns about how it affected their own wellbeing.

*“My experience of child maintenance has made me nearly give up trying to claim. My self-esteem has plummeted. I had to practically beg my ex for maintenance money”*  
(Survey Respondent)

Unresolved conflict was also reported as a key issue as whereby children and young people were used as messengers and go between for discussions. This was also linked to contact.

*“I knew he would comment to children about it”* (Survey Respondent)

*“Sending [the] child home to tell [me] ... 'I'm skint so can't have any money this week”*  
(Survey Respondent)

The life course of children and young people emerged consistently across this study whereby parents talked about the difference receiving adequate child maintenance would make to bringing up their children from early years to adult. Although some isolated examples emerged whereby parents were uninterested in pursuing claims, parents spoke of the value of the income for the household and their children's wellbeing.

## Barriers and Issues Impacting on Child Maintenance Arrangements.

### Summary

- The introduction of a £20 charge for accessing the Child Maintenance Service has been a barrier for low income families. The charge is also a deterrent for those who have negative experience of the previous Child Support Agency.
- The contribution of Child Maintenance is vital for households especially for costs that may be 'less visible' within household spending such as childcare to help resident parents in employment.
- New relationships could often mean the renegotiation of existing child maintenance arrangements. This was stage where family based arrangements were at risk of breakdown.
- Stakeholders reported vulnerable families finding establishing child maintenance more difficult.
- Affordability of child maintenance arrangements for non-resident parents is important and must be balanced against the cost of raising a child or children.
- Self-employment of non-resident parents was problematic in terms of calculations for levels of child maintenance.
- Case transfer from the old Child Support agency migrating over to the new Child Maintenance service could prove challenging for families where relationships were precarious.

A number of barriers and issues were identified as being a difficulty for effective child maintenance arrangements. Evidence collected here highlights issues and challenges faced across the previous Child Support Agency system and the new Child Maintenance Service.

### Charging

Charging within child maintenance policy was subject to much discussion across the research project. The approach introduced under the new child maintenance of charging £20 to access the new CMS options service, and for those who had not been successful with direct pay service of CMS and required compliance through the Collect and Pay Service fees being charged on child maintenance payments on both the resident parent and the non-resident parent. Stakeholders raised concerns about the financial implications of the Collect and Pay charging for a resident parent household over a period over several years, and the difference the money could bring to a household particularly on a low income. They highlighted concerns about the initial access charge of £20.00 also being a barrier and potentially preventing some families pursuing claims.

This was also supported in interviews and surveys with points raised about the affordability of the charge and having to borrow money to access the service. A wider issue was raised for those who had complex cases through the CSA with unsuccessful payment procedures; it was perceived as unfair to be charged for a new service when the old service had been ineffective with their claim.

*"Under the CSA post 2012 I do not think it is fair I will have to pay a set up /collection fee . I only receive £5 a week Due to this I will not be renewing my claim"*

*(Survey Respondent)*

The initial charge to access child maintenance options calculations can be waived under specific circumstances such as domestic abuse<sup>43</sup>. Evidence reported within this research study indicated that disclosure of domestic abuse to the service may be difficult for individuals particularly if they haven't reported it to other agencies previously.

## Visible and Invisible Costs of Caring for Children

Within interviews with parents with resident care and non-resident care, participants discussed the costs and payments of raising a child or children. Research interviewees and Survey Respondents highlighted the visibility and invisibility of particular household costs and expenses required when raising children and how that was perceived or financially contributed to by the non-resident parent. This could be child maintenance such as heating of home, money for school lunches, resources for child care. They discussed how particular expenses such as childcare were often overlooked even though they were essential for resident parent to remain in work.

One non-resident parent discussed that they weren't sure how the child maintenance money was being spent by the resident parent and how this was a source of frustration for them. They highlighted the appearance of the child as indicator of this.

*"Didn't feel it would be going to the bairn, when they went back to school they didn't have a new coat or a new bag"*

*(Interviewee)*

Wider research has shown that childcare costs for households across Scotland are very expensive. In Scotland families are spending twice the OECD average with parents in Scotland 27 % of their household income compared to the OECD average of 12%<sup>44</sup>.

Heating of the home, food for children and running a car were also cited as key expenses, that parents with resident care stated were essential costs but often overlooked. Running a car is often an essential expense in a rural context. Research by SCVO (2008) shows the availability and costs of public transport are critical in rural areas in terms of accessing and sustaining employment, accessing healthcare and for social interaction<sup>45</sup>.

The changing needs of children resulted in different circumstances as they developed new hobbies for example or went through periods of physical growth which resulted in needs such as new school shoes and day to day expenses such as this often went unseen.

In addition, the long term period and timescales of when a child would need support was also discussed for example if a child went on to higher or further education the potential need for continuation of maintenance payments once a child turned 18. This is a key area where low income families could face particular barriers.

## New Relationships

New relationships resulting in other children often mean changes in the amount of child maintenance paid. This can be a problematic stage as reassessment can be a lengthy process and was also challenging for family based arrangement which would need readjusted and renegotiated. This was a key risk point for when arrangements could break down and cause challenges in terms of compliance of arrangements. It is at this point that some families would need to involve CMS or had involved CSA.

Renegotiating or setting new levels of child maintenance in family based arrangements when re-partnering was seen by resident and non-resident parents as a difficult issue. Concepts of what was deemed 'fair' were variable across this study and in family based arrangements were interwoven with understanding of contact. New relationships represented transitional points in child maintenance and there was limited emotional support available to support families.

## Knowledge of Services and Support for Child Maintenance

Services within the stakeholder discussion reported a range of misunderstandings of child maintenance issues and systems impacting on families. This prevented local voluntary and statutory service providers from being able to provide targeted support around this for families in stages of separation and ongoing from that. A key theme emerged on the subject of adequate training for services in Fife on the Child Maintenance and how to promote and support successful child maintenance arrangements for different family demographics. Services also spoke of the barriers in terms of families being in a position of the right headspace to seek advice on this issue. Other issues were often deemed of competing priority. There was an emphasis on the application of coping strategies at the time of separation often being difficult for very vulnerable families.

The language of services was also a key issue. Families may have different levels of confidence and often be reluctant to use the labels of for example 'lone parent' and identify with the issues that services perceived as being challenges facing families on separation.

### Employment

A theme emerged on the issue of pay and the value of paid and unpaid work and how that interacted with child maintenance. One interviewee outlined that pressure of high payments were acting as a disincentive for employment as it removed a significant proportion of the earned income. The issue of affordability for non-resident parents is important. Calculations are based upon different percentages rates with the exception of lower income or benefits where a flat rate is applied.

One of 5 rates will be applied, based on the gross weekly income of the paying parent:

Gross weekly income	Rate
Below £7	Nil
£7 to £100, or if the paying parent gets benefits	Flat
£100.01 to £199.99	Reduced
£200 to 800	Basic
£800.01 to £3,000	Basic Plus <sup>46</sup>

Affordability was also raised and emphasised by resident parents. One resident parent interviewee reported adjusting a family based arrangements when the non-resident parent lost their job and allowing them a period to build up financial reserves when they gained employment.

Child Maintenance was also highlighted by resident parents on the importance of being a source of support to allow people to remain in employment particularly where child care costs were high. Evidence shows the average cost of childcare in Scotland is over £5000 for 25 hours care per week for children under the age of five<sup>47</sup>.

The issues of self-employment emerged as an area whereby accessing child maintenance claims was particularly problematic. Many resident parents' surveyed reported challenges they had experienced with the CSA and CMS in pursuing claims and issues with how claims were calculated. This area would merit further exploration.

### Case Transfers

The process of case transfers has been a phased process. The targeting of this has been staggered and some evidence reported within the survey raised questions about the promotion of the new Child Maintenance Service. For resident parents within the study it was unknown and had issues for them in terms of being unsettling in the life and their relationship with the non-resident parent.

*“When CSA closed case and was transferring to the CMS or to arrange family based arrangement I received abuse from my ex-partner”*  
(Survey Respondent)

### Views of Parents with Non Resident Care

**Summary**

- Evidence on the experiences of non-resident parents is limited and more research is needed to understand the experiences of this group.
- Compliance issues can be driven by system administration processes.
- Concepts of fairness and justice were deemed as important on establishing payment procedures by non-resident parents.

The views of parents with non-resident care is an under researched area. Despite a number of targeted approaches, responses were significantly lower within this study with only 19 parents with non-resident care responding to the survey. Due to the limited response rate the findings cannot be seen as representative. Some trends from the work are outlined below but results must be used with caution due to the sample size.

Evidence from the Tavistock institute has argued there is a need for greater evidence on the experiences of the experiences of non-resident parents. They raise specific factors of why this is an under researched population highlighting that policies are needed to promote more of the involvement of non-resident fathers<sup>48</sup>.

Evidence from the sample within this study illustrated concerns of discrimination against the non-resident parent and that the language used in communication from the CSA /CMS was often negative even when non-resident parents were compliant with the system. Evidence within interviews indicated that cases could be complex and lengthy and that this was stressful and difficult.

Key transitions points whereby arrangements may have to be altered included: conflict over finances allocation of money/ changing circumstances work or financial status, changing care patterns and access or contact arrangements or a new relationship.

*"I will shortly be reducing the payment as my wage has decreased"*

*(Survey Respondent)*

Sources of support accessed by non-resident parents included solicitors and local MPs. Local MPS provided a route to more detailed reviews of cases. Evidence within interviews showed this was a positive source of support for resolutions with complex cases.

Issues surrounding fairness of payment was a key area in terms of how the system had responded to the non-resident parent and this was linked in the survey to the relationship between the resident parent and non-resident parent on child contact or access.

Across this study, participants highlighted particular challenges that non-resident parents faced in terms of administrative problems, contact and their perceptions of how this related to child maintenance. Points were also raised across the study in terms of accountability on the spending of child maintenance and potential for income to be misspent.

## Case Studies

These case studies are compiled from the qualitative interviews that took place across the research project. They provide a snap shot of some of the issues and complexities being faced by families across Fife. Some details have been removed to preserve anonymity of participants and their children.

### Case Study 1

Parent A working full time with resident care with one teenage child. Their ex-partner parent B has resident care of their other child also a teenager. Both Parent A and Parent B are paying maintenance through the CMS system this resulting in payments of similar levels being administered through the CMS system to pay for support. In effect, the payments of similar amounts are criss-crossing through the system. Due to the similar amounts levels of support being paid out there is limited financial benefit to the payments being paid to either parent. They have engaged through both the Child Support Agency and Child Maintenance Service through their case.

Recently the CMS have recommended a family based arrangement whereby parents would pay money to each other directly without the involvement of the system. However, the Parent A is reluctant to go down the road of a family based arrangement, as there has been a volatile history with the ex-partner with involvement of several agencies.

Parent A reported finding the process of negotiating maintenance difficult and that there had been a long running debate over the issue between Parent B , and their family. This had resulted in lengthy paperwork and the involvement of multiple agencies because of the separation and custody agreements and financial matters.

Parent A reported worry about the situation long term and is concerned to maintain the current arrangement. Parent with resident care also reported issues with the inconsistency of paperwork and issues with outstanding arrears and missed payments.

## **Case Study 2**

Parent with resident care who has caring responsibilities with a child aged 3 suffering from a long term health condition. After separation the parent with resident care tried to negotiate a family based arrangement which was unsuccessful and left them in financial difficulties and reliant on family support networks to provide for child and to meet their needs. Family support was vital in terms of their child's day-to-day needs.

They eventually took case up through the CMS. This was problematic as they found the non-resident parent difficult to trace. After a long period of investigation, the non-resident parent offered a payment that was lower than the calculation provided by the CMS. The parent with resident care found the issues of trying to address child maintenance stressful and had impacts on their mental health. Parent with resident care also reported issues with outstanding arrears and missed payments.

## **Case Study 3**

Parent with a child aged 5 with resident care. Has struggled to get support for child from non-resident parent. Non-resident parent viewed that because resident parent was in employment that child maintenance was not required by them. The resident parent attempted to address this by accessing service to support them to have discussion but this was unsuccessful. To pursue child maintenance, the parent with resident care contacted the Child Maintenance Options service.

They initially discussed with resident parent a family based arrangement despite the resident parent highlighting the challenges faced in communication and the failure to resolve discussion through a support service. Resident parent paid £20 for calculation and support. Based on the calculation an amount was then raised with the non-resident parent.

After that a standing order by non-resident parent was made by as they could see the benefits to have a family based arrangement and avoid fee structure of CMS collect and enforcement. This however collapsed after their loss of employment resulting in non-payment. The parent with resident care feels service has not provided any guidance of what to do

in these circumstances and is not at present pursuing child maintenance any further. Parent with resident care reports health impacts from dealing with the situation.

## **Case Study 4**

The parent with resident care has two child maintenance arrangements one, which is successful and has been employed through a family based arrangement, and the other that has been a case pursued long term through the CSA and is due to be migrated across the CMS. There has been a prolonged period of investigation which has been unsuccessful and the arrears owed to this parent amount to thousands of pounds. This has caused a long running financial pressure for the resident parent. Court orders for the non-resident parent have been unsuccessful and have resulted in the resident parent feeling angry and let down by the system. They highlighted the inconsistencies of information they have faced during this process and the length of time investigations have taken.

The parent with resident care is unclear why other potential actions on the non-resident parent have not been taken. The service is due to be closed by Child Support Agency and migrated over to Child Maintenance Service. The parent has been advised they have to notify the CMS of the outstanding debt owed to them and will be unable to do until the case has been closed with the CSA. The parent with resident care expresses concerns as their child is now in their early teenage years about what will happen long term and if this situation will result in financial payment before their adulthood.

The resident parent contrasts this case with the successful arrangement in terms of the support this has provided for their child's needs and the difference this makes with the day to day finances.

## **Case Study 5**

The parent with resident care has two child maintenance arrangements, one of which is successful and the other, which has resulted in long-term case with the Child Support Agency. The relationship with the parent with non-resident care in the unsuccessful case resulted in a long running process through the CSA



to obtain child maintenance payments. The resident parent was asked to supply a lot of additional information through the investigation stage.

They also faced challenges with the CSA system in terms of computerized system to process their claim. Court action was taken to enforce payment. Payments were eventually administered which included contribution to arrears. This however eventually stopped and left the resident parent in debt as they received no warning of the stopping of payments through the CSA.

The case is now on the CMS system and calculation shows that there are significant arrears amounting to thousands of pounds. There is no indication from CMS as to when child maintenance payments plus contributions to arrears will recommence.

### **Case study 6**

Parent with non-resident care had ongoing child maintenance arrangement. They were paying money through the Child Support Agency from 2005 onwards. A few years later a second CSA arrangement was started. This resulted in challenges in terms of calculations and payments being deducted from wages. There was inconsistency between the amounts that were due to be paid and deductions paid and resulted in arrears.

This meant they had to spend a long period of trying to address the issue through the CSA with complex paperwork and multiple phone calls. Some payments had resulted in financial hardship. Formal complaints were made and one arrangement was switched to a family based arrangement to reduce the pressures of dealing with the CSA system.

The non-resident parent was awarded a refund for overpayment and is in the process of pursuing the CSA for additional costs incurred through dealing with the system. This process has caused severe stress for the non-resident parent and financial hardship.

### **Case Study 7**

Resident parent with child aged 2. Difficult relationship prior to and after birth of child. Money was provided sporadically from non-resident parent and the resident parent was left with outstanding debt.

Payment of child maintenance was arranged through the CMS options system. Paid £20 as didn't want to disclose abusive history to the Child Maintenance options service system, as they hadn't reported it to the police or any other agency and was reluctant and anxious to report it for the first time to the service. There was a period of investigation into the non-resident parent lasting several months.

Eventually child maintenance was issued and placed on the Direct Pay System when the resident parent wished to be on collect and pay to ensure regular payment. After a period the Child Maintenance was administered through collect and pay after the non-resident partner had defaulted on payments and arrears had been run up. The money provided essential support for household costs including childcare.

# Conclusions and Policy Recommendations

This research was commissioned by Fife Council Family Nurture Steering group. This multi-agency partnership explores the early intervention and preventive programme in Fife. The research was approved by this group in recognition of the importance of child maintenance and the significant impact on families and children's life chances.

Child Maintenance remains a difficult and problematic issue in social policy. With the rise in lone parent headed households<sup>49</sup>, there is a need for more focused policy analysis and discussion on the subject of child maintenance and its effectiveness. Addressing child maintenance within the UK has been an ongoing process with multiple reforms taking place including the introduction of the new Child Maintenance System and the phasing over from the old Child Support Agency. The complexity of household circumstances and type of arrangements will need a holistic approach to assist families at different points throughout the life course of a child and to ensure the health and wellbeing of children and their carers and to ensure that families aren't missing out on vital income .

A number of recommendations are made drawing upon the evidence presented within this report. These are relevant to Fife Council and their wider partners in the strategic and operational delivery of services aimed at supporting families and improving their wellbeing, and to policy makers both at a Scottish and UK level.

## UK Government

- Remove the initial £20.00 charge for accessing support from the Child Maintenance Options; this is a barrier to low income families and prevents some families from pursuing a claim.
- Abolish collection fees under the Collect and Pay option of the Child Maintenance System on the parent with care. The structure as it stands currently within the CMS penalises resident parents with 4% fee. This results in

the financial loss to the resident parent with care as a result of compliance issues with the non-resident parent and this loss of income from collection fees represents a significant loss of income across a child's life course.

- Structures should be created for end users of the Child Maintenance Agency and the Child Support Agency to share their experiences with policy makers to review the effectiveness of the support available and remove barriers for families in maintain child maintenance arrangements.
- Increased enforcement processes are required to deal with long term non-compliance and arrears cases from the Child Support Agency to pursue outstanding arrears to decrease the levels of missed income families are experiencing. This needs to be targeted in particular at cases being migrated over to the new Child Maintenance Service.

## Scottish Government

- As part of the focus on prevention and through the Getting it Right for Every Child (GIFEC) framework there needs to be a greater awareness of the issue of Child Maintenance and the potential impacts on a child's wellbeing.
- Further research required on the needs for non-resident parents and their support issues in terms of child maintenance and understanding what factors contribute to maintaining successful child maintenance relationships for non-resident parents.

## Fife Council and Local Support Services

- There is need for training for service providers and agencies working with families to highlight the issues of child maintenance and the introduction of new system and to support families to access advice on their child maintenance needs and other separation issues.

- Support is required for families recognising different transition points after separation when families may need assistance with child maintenance for example – when parents re-partner, changing economic circumstances such as job loss, illness and so on. Parents need to have advice providers who can assist with mediation and other emotional support for parents when navigating family based and other types of child maintenance arrangements.
- There is need to raise awareness across services on the emotional impact on children and caregivers wellbeing as a result of complex child maintenance cases and failures to receive payment.
- There is a need for support and provision of awareness raising for families to understand the financial costs of children to assist them with understanding potential visible and invisible costs they may face upon separation.

The emphasis on family based arrangements by the current UK government will only be applicable for certain families and maintaining these will need specific support. For those who require use of the new Child Maintenance System, the system needs to be effective and support families to have operative arrangements, and where support with compliance is needed this needs to be streamlined to minimise loss of income to the child/ children. In particular further support is needed to support those with complex cases and those transferring from the CSA system. The wider context of other policy changes such as welfare reform will present for services an increasingly challenging context. Access to support service and advice will be of importance to ensure families are fully supported.

The importance of the payment from child maintenance cannot be overestimated particularly for low income families. Improving quality of life for families and ensuring they are accessing their entitlement is critical in terms of the rights of the child and families broader wellbeing. This research illustrates the complexity of the issues faced in Fife. It paints a picture of the hardship being faced by many families across Fife as a result of non-payments or difficulties accessing child maintenance support and the challenges and barriers faced maintaining and establishing child maintenance arrangements.

A number of areas such as communication upon separation, child contact, complexities of navigating the system, changing child needs, type of arrangement, employment status, charging, investigation, compliance and arrears and many other factors all play a part in the experiences of families.

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The research conducted in Fife during 2016 looks at the experiences of child maintenance in Fife both with resident parents and non-resident parents.