

Child Maintenance During a Cost-of-Living Crisis

A System of Support?

A collaborative paper produced by Poverty Alliance
and Fife Gingerbread



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Executive Summary

Achieving financial security and income adequacy for children and young people alongside parents and caregivers is vital to ensure positive outcomes for families. Research shows that family separation can lead to poverty for both parents, but the risk of persistent poverty is greater for resident parents (Corlyon et al 2015). This area of Child Maintenance is disproportionately impacting on women who are more often resident parents. Evidence illustrates that resident parents are women, and over 90% of non-resident parents are men so tackling issues with Child Maintenance has implications for gender inequality more generally.¹ The gendered nature of domestic abuse is also critical in terms of experiences and interactions with Child Maintenance.

Child Maintenance is a key source of income for many households in the UK, but long-term system issues are preventing parents from being able to access support. Improving systems of support around Child Maintenance should be a key priority area for policy. This research provides a critical snapshot of parent's experiences of Child Maintenance during the cost-of-living crisis.

Research overview

This research was conducted by the Poverty Alliance with Fife Gingerbread, in Fife, Scotland, between August 2022 and April 2023. This research involved a survey with 270 parents and interviews with four parents, followed by a reflective discussion with 25 practitioners and a session with a frontline service using vignettes developed from the survey. This work sought to provide understandings of families in Fife but provides insights that will have resonance and relevance across the UK.

The research sought to address the following questions:

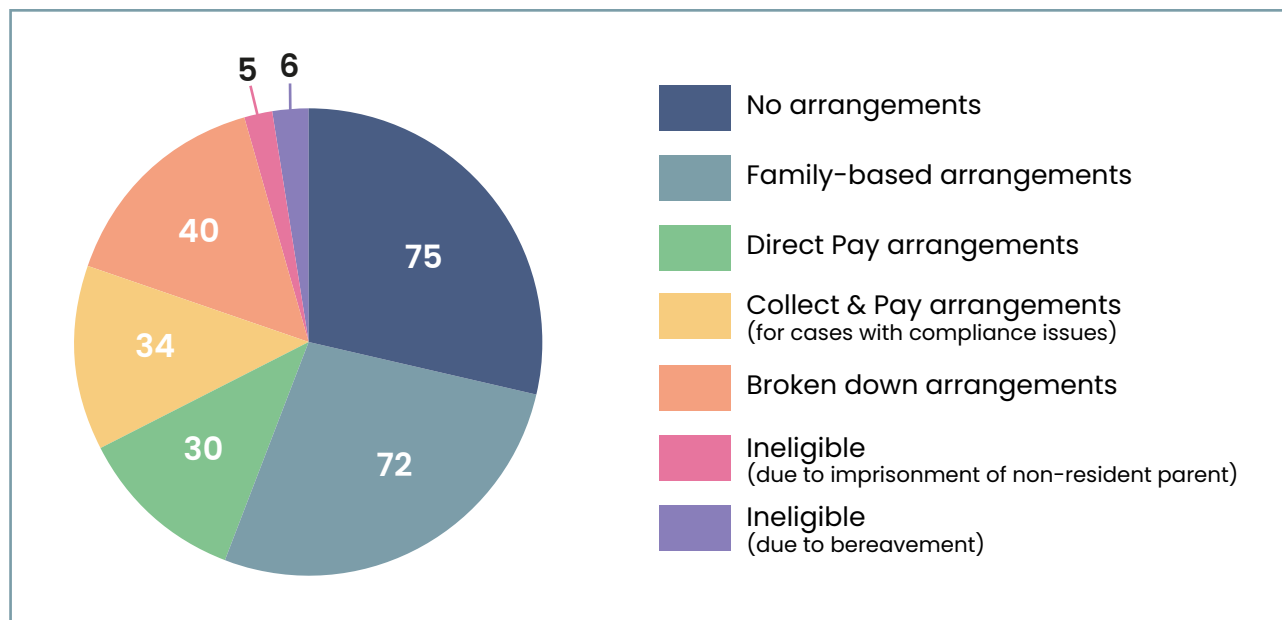
- ? What is the role of Child Maintenance for families in alleviating child poverty and how does this interact with other policy areas?
- ? What are the key Child Maintenance issues facing low-income families?
- ? How have rising living costs and Covid-19 impacted on the experience of Child Maintenance?
- ? What local solutions, both policies and initiatives, would support the successful continuation of existing Child Maintenance agreements or increased uptake of arrangements where there are none?



Key findings

Types of Child Maintenance arrangements

Parents who participated in this research reported a diverse range of Child Maintenance arrangements including:



Experiences of Child Maintenance arrangements during the cost-of-living crisis

- **Financial vulnerability:** The current cost-of-living crisis was placing financial pressure on households but particularly low-income resident parents who were faced with increased spending on areas such as food and energy costs. Households with no arrangements and arrangements that had broken down reported increased financial precarity.
- **Costs:** Accessing the Child Maintenance Service requires paying a £20 fee unless a household is exempt under specific conditions. This was cited as a barrier by 26 parents in the study who had not accessed the service.
- **No arrangement:** Non-uptake of Child Maintenance is a complex issue. A negative or abusive relationship with an ex-partner was the most common reason for not having an arrangement (n = 73). Several households (n = 48) also reported that they did not have contact with the non-resident parent. Not having any form of Child Maintenance arrangement

leaves resident parents with full financial responsibility for their children and is often disproportionately impacting on women who are more often resident parents.

- **Family-based arrangements:** This research reveals potential risks of family-based arrangements, such as going along with reduced payments or the risk of financial abuse of resident parents.
- **Child Maintenance Service:** Collect & Pay and Direct Pay arrangements are both administered through the CMS. Parents' experiences of Direct Pay were mixed, with challenges raised around inadequacy of payment amounts, compliance, delays in receiving payments and issues with arrears. Collect & Pay arrangements, set up through the CMS to collect and pass on payments to resident parents, involves charges for both resident and non-resident parents. Parents in this study receiving Child Maintenance via Collect & Pay also shared issues with payments and arrears.

Improving experiences of Child Maintenance

Parents made a range of policy and practice recommendations to improve the current system of Child Maintenance. Their recommendations included:

- Improving advice and information by providing more person-centred support including continuity of case workers and the option for face-to-face support.
 - The calculations process for Child Maintenance needs to improve and be underpinned by a focus on income adequacy for receiving parents. For parents who are not receiving Child Maintenance (e.g., due to negative or abusive relationships with an ex-partner, due to bereavement or imprisonment), there should be an alternative source of support with incomes, particularly for households living in poverty. This support should be cash-based and accessible.
- Removal of the £20 charge would help support low-income households accessing the CMS Charging for the receiving parent within the Collect & Pay service should also be removed.
 - A trauma-informed approach should be embedded within the CMS to improve service experiences in practice. This needed to include training around issues such as domestic abuse and coercive control.
 - A greater focus on compliance is required for all types of arrangements through improving the effectiveness and speed of enforcement measures.

Recommendations

Establish key principles at the heart of Child Maintenance to reframe our approach.

- Everyone accessing the CMS should be provided with a person-centred service, with dignity and respect at its heart and recognising rights of children to be supported in line with the United Nations Convention on the Rights of the Child (UNCRC).
- Recognising the relationship between domestic abuse, all caseworkers and staff working on Child Maintenance should be trauma informed and sensitive to issues such as financial abuse and coercive control.
- Greater service user involvement and co-production within the design of the infrastructure of Child Maintenance involving both resident and non-resident parents.

Ensure there is adequate support for low-income households to successfully access Child Maintenance.

- Removal of the £20 charge to access the Child Maintenance Options system in recognition of the increased pressures households are facing during the current cost-of-living crisis.
- Removal of charging on resident parents within the Collect & Pay system in recognition of the increased pressures households are facing during the current cost-of-living crisis and the loss of income this represents to children.
- Calculations of Child Maintenance to recognise the current cost-of-living crisis and the inflationary experiences families are facing.
- Alternative payment support to be developed and employed for households facing greater risks of missing out on maintenance. For example, when a non-resident parent is bereaved or wider issues such as living overseas or imprisonment.

Provide a service that is transparent with effective communication to meet the needs of families.

- Continuity of case worker experience to be extended across all complex cases.
- More information gathering for Direct Pay arrangements and the effectiveness of this approach for families.
- Alternatives to online and phone call support in the form of in person support to be offered to families. This could be piloted across existing information points such as Jobcentre Plus as well as extended opening times that work for families in different working and caring patterns.
- Greater transparency and breakdowns to be provided on variation adjustments within cases.

Improve compliance and enforcement of Child Maintenance arrangements.

- Greater transparency on compliance with faster enforcement when arrears arise and more detailed feedback mechanisms for resident parents.
- Where DNA testing is required, support should be provided to families being assessed through this particularly recognising the emotional impacts of undergoing this process.
- Where there is known problems with compliance, alternative support should be considered such as a minimum guarantee of support to be provided by the Department for Work and Pensions to ensure that rights of the child are protected.
- When required to provide evidence for court investigations, the CMS should ensure representation from their service.

Facilitate improved local support for families navigating Child Maintenance.

- Availability of support such as mediation for families at a local level targeted at those who are on family-based arrangements.
- Increase awareness of support available at a local level for people struggling during the cost-of-living crisis to support wider income maximisation, particularly for those not in receipt of Child Maintenance.
- Increase awareness of where parents can go to access advice and support on Child Maintenance including exploring the option of local level drop-in clinics, where families can gain in person support. This needs to be framed and underpinned by a rights-based focus.
- Training programme for support workers and practitioners working in Fife in areas such as housing, social work and other key settings around income maximisation on Child Maintenance that is trauma informed and sensitive to issues such as financial abuse and coercive control.
- Mapping of support pathway working with families and creating a local delivery plan to support better work on Child Maintenance across Fife. This needs to include working and designing support with those with lived experience.

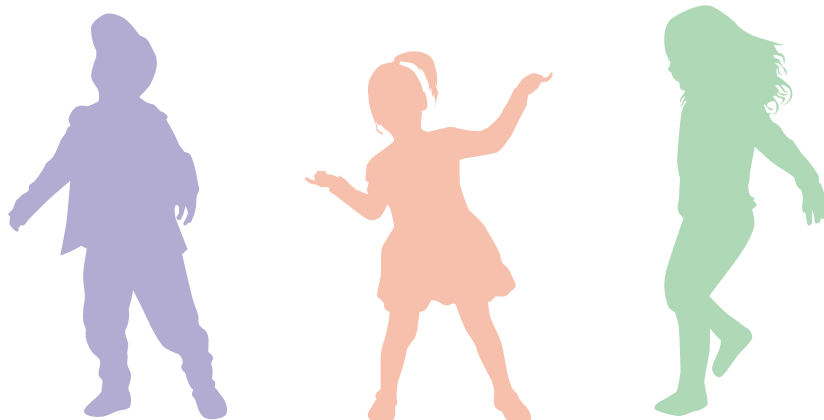
Introduction

This joint project, conducted by the Poverty Alliance and Fife Gingerbread, between August 2022 and April 2023, explored parents' experiences of Child Maintenance during the cost-of-living crisis. Our research sought insight into the following questions:

- What is the role of Child Maintenance for families in alleviating child poverty and how does this interact with other policy areas?
- What are the key Child Maintenance issues facing low-income families?
- How have rising living costs and Covid-19 impacted on the experience of Child Maintenance?
- What local solutions, both policies and initiatives, would support the successful continuation of existing Child Maintenance agreements or increased uptake of arrangements where there is none?

Overview of this report:

- Part one of the report provides an overview of the policy and legislative context around Child Maintenance as well as existing evidence.
- Part two provides an overview of the methodology adopted in this research.
- Part three presents the findings from this research as well as conclusions and recommendations.



Part One: Child Maintenance: policy and evidence

Families, separation, and financial security

Navigating the experience of separation and other family circumstances can be complex for households. Separations, by their very nature, bring change and new challenges to families (for example, around housing and childcare). Differing family circumstances can require various levels of support around the process of separation. To create effective and informative services around separation and financial decision-making, provision of support requires being able to understand a diverse range of circumstances. This can include, for example, experiences of adverse circumstances, such as abusive or coercive behaviour, or circumstances where families have re-partnered and have other caring responsibilities.

Raising and financially supporting children and young people is an integral part of everyday life for families across Scotland and the UK. Evidence from the Child Poverty Action Group (2022) indicates that the cost of raising a child to age 18 is £160,000 for a couple and over £200,000 for a lone parent.

Achieving financial security and income adequacy for children and young people alongside parents and caregivers is a vital component to ensure positive outcomes for families. There is well documented evidence on the challenges and negative outcomes that socioeconomic inequalities pose for families.² Households living on a lower income face higher levels of parental stress and other impacts in terms of family relationships. Higher rates of household income can boost children's educational achievements, and emotional and physical wellbeing.³ Supporting positive and effective outcomes for families requires a holistic and joined up approach around financial security and adequacy of incomes.

Parents in Scotland and across the UK continue to face inflated costs in terms of housing costs, childcare costs, and general living costs. Presently household budgets and spending are coming under ever increased pressures as the cost-of-living crisis continues with escalating energy costs, food prices and other key essential daily spending rising at rapid rates and eroding the spending power of households across the UK. This is having disproportionate impacts on households on the lowest levels of income. More generally populations such as lone parents are facing greater pressures during the cost-of-living crisis and have less protection due to lower levels of savings etc.⁴

Analysis by Birt et al. (2022) found that one in five low-income families could not heat their home and have skipped or reduced the size of meals. Three in twenty households that had skipped meals or reduced the size of meals had also accessed a food bank.⁵

Alongside rising costs, family separation poses a key risk point for financial pressures for many households. Research by Corlyon et al (2015).⁶ highlighted that separation can lead to poverty for both parents, but the risk of persistent poverty is greater for resident parents. Wider trends in terms of the labour market and caring patterns indicate that economic recovery following separation is greater for non-resident parents (who are typically fathers) than for resident parents.⁷ Women are also more likely to be in poverty.⁸ Figures on child poverty in Scotland show the impact faced by lone parents and the relative poverty rate for children in Scotland is 24% rising to 38% for children in single parent households.⁹

Recognising and mitigating financial risks is critical for separated families across the UK, and Child Maintenance is pivotal as a source of income for many families and a key lever to tackle child poverty and improve the lives of children and young people.

Understanding Child Maintenance: legislation and policy

What is Child Maintenance?

The Department for Work and Pensions states: ***“Child Maintenance is regular, reliable financial support that helps towards a child’s every day living costs”***¹⁰

The Child Maintenance Service (CMS) was introduced in 2012 to provide a replacement service for the old Child Support Agency¹¹ and create a service which was intended to:

“Increase levels of cooperation between separated parents and encourage parents to meet their responsibilities to provide their children with the financial support they need to get a good start in life”¹²

This service provides the main infrastructure within the UK to assist families with the process of Child Maintenance. Child Maintenance can operate in different ways or be not pursued at all dependent on the circumstances and approach followed by separated parents and the effectiveness of this to support families.

Arrangements can include routes such as:

- voluntary and private family arrangements,
- maintenance calculated and collected under the CMS government scheme and
- arrangements made by a court order¹³.

Whilst these are broad categories, these cover most if not all types of arrangements in practice.

Who can apply for Child Maintenance?

There are an estimated 3.6 million children from 2.4 million families where parents/guardians have separated or were never together across the UK. A separated family is defined ***“As having one resident parent, one non-resident parent, and biological or adopted children either under 16, or under 20 and in full-time, non-tertiary education”***.¹

Legislative and policy developments

In the UK a parent is legally responsible for contributing to the financial maintenance of their child, even if they do not live with the other parent or have contact with the child.¹⁴ For families across Scotland and the UK, Child Maintenance is a critical part of household incomes for separated and re-partnered households and those in other circumstances raising children.

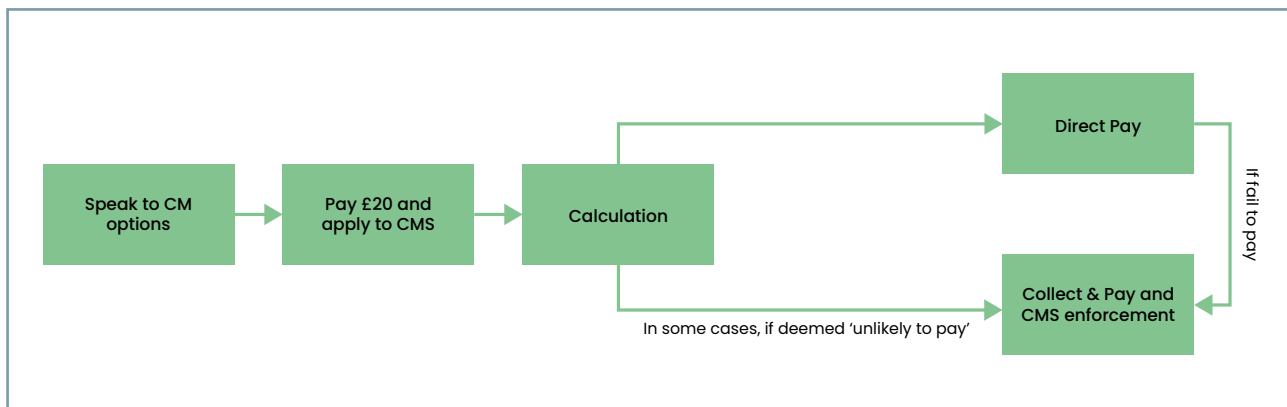
Within the UK, Child Maintenance has long been a complicated and challenging area of social policy. The Child Support Agency was introduced in 1993 through the Child Support Act 1991.¹⁵ This system of support was subject to multiple reforms and had a range of documented problems including issues with enforcement and arrears. Figures from within the Department of Work and Pensions suggested that arrears within the system grew ‘thirteenfold from 1994 to 1999 and then doubled from 2000 to 2010’.¹⁶ This led to a write off approach by the UK Government in 2018 which saw £3.7 billion of Child Maintenance arrears written off.

A new system of support for parents, the CMS, was introduced in 2012 to replace the Child Support Agency. CMS was intended to herald a new beginning in terms of supporting families with Child Maintenance by:

- resolving problems from previous 1993 and 2003 schemes,
- maximising the number of children benefiting from Child Maintenance arrangements and
- reducing government spending on administering child support.¹⁷

Underpinning the new scheme was thinking from the Henshaw report¹⁸ which had documented issues with the previous system and outlined that there was a need to encourage parents to avoid default usage of the statutory scheme (CMS) under the old Child Support Agency and for separating families to negotiate their own arrangements. With this thinking, the CMS delivery model was framed with the intention of encouraging cooperation between separated parents whilst also providing an infrastructure for when this could not be achieved. Alongside the CMS was the creation of the Child Maintenance Option Service. This was to provide a service which would help move parents towards considering a private maintenance agreement or a family-based arrangement, before requiring usage of the CMS.¹⁹

The new system follows a process as illustrated in the diagram below where applicants can go onto two routes 'Direct Pay' and 'Collect & Pay'.



However, the new service has also faced a raft of problems. Despite recommendations on improving the system of Child Maintenance through a series of integrated reforms including linking with other government interventions, a review by the National Audit Office found this has been unsuccessful and that since the 2012 reforms, there has been no clear change in the number of effective arrangements overall within the UK.²¹

Existing evidence on experiences of Child Maintenance

Previous research, also conducted by the Poverty Alliance in Fife in 2016, found that families were experiencing significant challenges. Key findings from this study indicated that there was a need for more targeted and tailored support to enable successful Child Maintenance arrangements. Evidence illustrated that:

- Families with limited contact or no contact with the non-resident parent were reliant on the effectiveness of the CMS to assist them with their Child Maintenance claims.
- Ineffective arrangements via the CMS were reported with long periods of limited progress on resident parents' claims.²²

In terms of the typical experience of Child Maintenance, evidence shows that most parents who contribute Child Maintenance are men and most parents who receive Child Maintenance are women.²³

The importance of the payment from Child Maintenance cannot be overestimated particularly for low-income families and there are core questions around the experiences and access to Child Maintenance considering rising living costs and the aftermath of the Covid-19 pandemic. Child Maintenance is a tool in terms of income maximisation for low-income families. This income is not counted as part of any benefit entitlement i.e. would be excluded as income for those in receipt of Universal Credit although may have an impact on council tax reduction.²

More generally the gendered experience of poverty means that the delivery and structure of Child Maintenance provide a key role as a tool in the alleviation of child poverty. Evidence

indicates that over 90% of parents who are separated with care of a child are women, and over 90% of non-resident parents are men so tackling issues with Child Maintenance has implications for gender inequality more generally.²⁴ Research by Hakovirta et al. (2019) highlights that many countries across the EU use Child Maintenance policy as a tool to support poverty reduction through compliance around this area.²⁵

More recently within the UK there has been an enquiry looking into children in poverty, and Child Maintenance was explored as part of the evidence. 31 recommendations were made to improve the experience of families.²⁶

New pressures for Child Maintenance: income shocks, Covid-19 and cost-of-living crisis

This research comes at an important time in terms of household incomes. Low-income households are likely to face significant challenges with daily living costs with rising inflation, energy costs and many other challenges. Within Scotland and the UK there has been a rise in living costs driven by factors such as Brexit, the war in Ukraine, and austerity impacts amongst others.²⁷ This comes at a time following the Covid-19 pandemic aftermath where many households have already faced economic pressures and challenges. Alongside this, the pandemic exacerbated poverty for many families and pulled others into poverty.

The pandemic ushered in new challenges in the landscape of support and advice for families and the experience of separation for families. Shared parenting during periods of lockdown posed challenges for separated families to navigate in terms of access and financial support in times of changing circumstances. Many parents had to manage other changes in their circumstances such as furlough, redundancy, changes in employment (e.g. becoming self-employed) alongside managing experiences of Covid, periods of self-isolation and receiving statutory sick pay. There is a lack of evidence on experiences of Child Maintenance during the pandemic.

Operationally there were some changes within the Child Maintenance system during the pandemic in terms of how calculations of payments were made. Regulation 34 of The Child Support Maintenance Calculation Regulations 2012 means that adjustments to Child Maintenance payments for any paying parent will be made if their gross weekly income has changed by 25%.²⁸ Also, in November 2020, the Department of Work and Pensions (DWP) reduced the period over which changes in income are assessed. This meant for paying parents who were experiencing financial difficulties during Covid-19, the period over which that change in income is assessed was reduced from 12 to 2 weeks.²⁹ It is however unclear what this meant for receiving parents in practice in terms of increased or decreased payments. Alongside this there was a significant redeployment of staff from the Child Maintenance system moved over to administer Universal Credit claims. Analysis showed that 1507 full time equivalents were moved from the service.³⁰

Potential reductions or loss for receiving parents may have had significant impacts. Public health measures of lockdown had disproportionate negative financial impacts on groups such as lone parents. Due to lockdown, households were often experiencing additional costs such as higher heating costs due to spending more time at home and other hidden costs like IT connectivity.⁴ Over a third of low-income families with children increased their spending during 2020.⁵

Since Spring 2022, the cost-of-living crisis means that low-income households face ever greater pressures. The current crisis means there is a need to look more deeply at the experiences of families in relation to Child Maintenance to ensure access and uptake of arrangements as well as sustaining and improving current arrangements to support financial security and adequate incomes.

Part Two: Methodology

Participative design

This research used mixed methods underpinned and framed by a co-production approach with preparatory work conducted with eight parents from the Fife Gingerbread Parents' Forum around key concerns and experiences around Child Maintenance. This session included a sense checking of the topics of survey questions and experiences of Child Maintenance across a wide variety of circumstances.

By working with parents who were active or potential recipients of the CMS directly, we were able to ensure the research was sensitively and effectively framed and the co-production element ensured that parents who are end users of the policy area were involved in the thinking and design of work around it.

Survey

Through the integration of views highlighted through Fife Gingerbread's Parents' Forum, the main method consisted of a short online survey which was supported and issued through the Poverty Alliance and shared via targeted partners across Fife between September and November 2022. This was an open survey that was open to both resident parents and non-resident although the majority of respondents were resident parents.

The online survey received 270 responses from parents in Fife, with 88 respondents indicating interest in potential further engagement in sharing their experiences around Child Maintenance through one-to-one interviews. On average the survey took 12 minutes to fill in. Follow up interviews were set up to explore in depth particular themes that has emerged within the data following initial survey analysis. Due to the sample size provided this survey cannot claim to be fully representative of Child Maintenance in Fife but will provide a critical snapshot of experiences within the Fife and findings that will have policy resonance and transference for other localities within Scotland and England and Wales.

Stakeholder reflection in practice

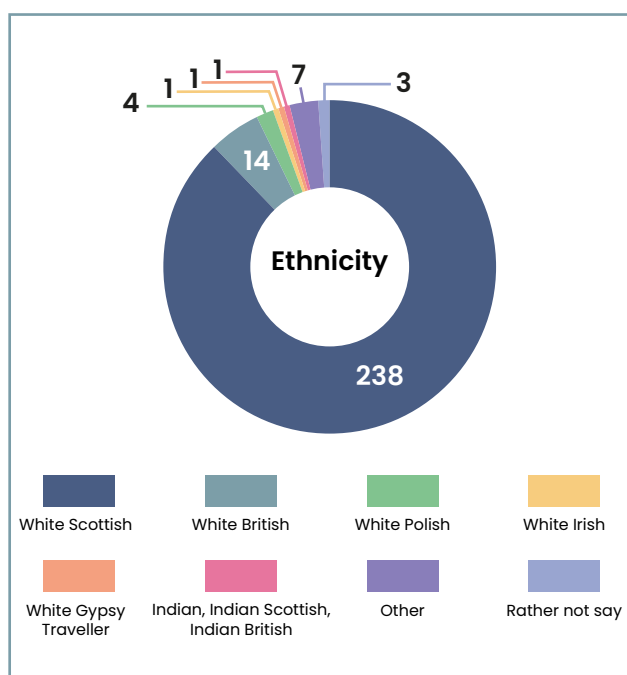
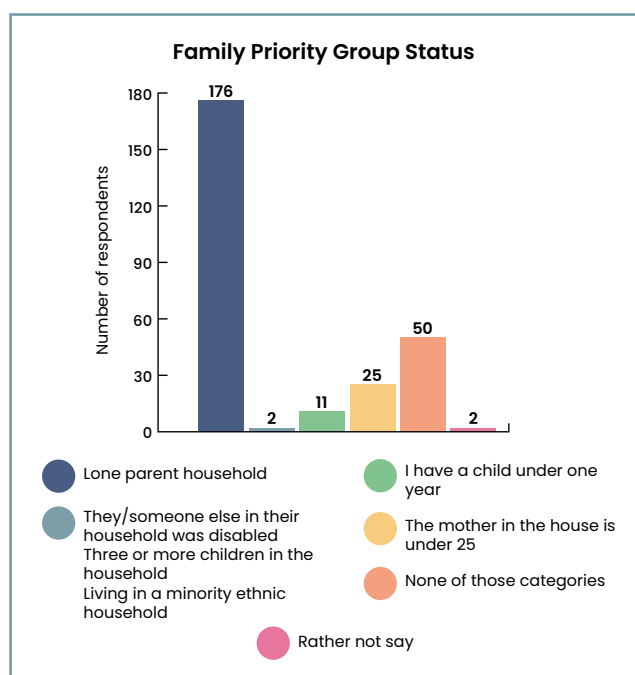
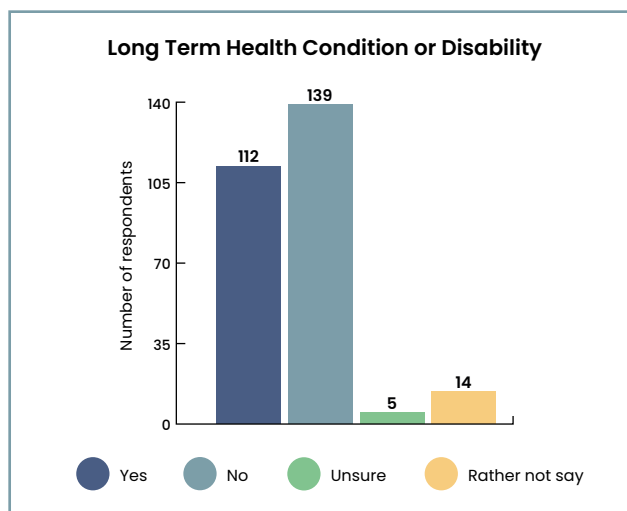
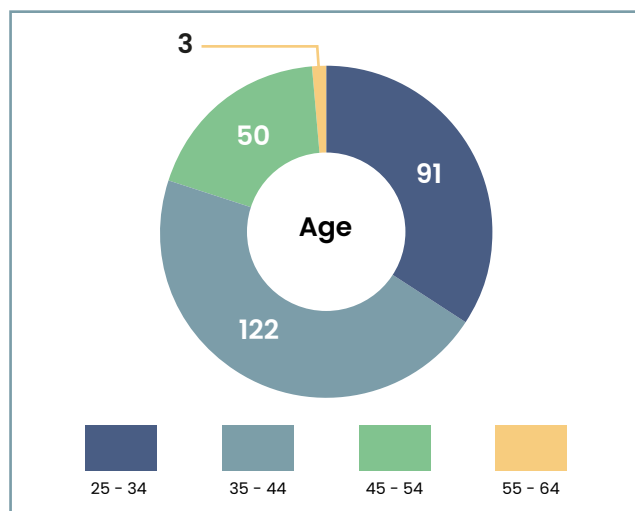
To build upon the data generated from the survey, two additional layers of qualitative discussion were conducted to elicit practitioners' views including:

- A session with vignettes on Child Maintenance drawn from the survey data was held with a frontline support service.
- A reflective session sharing and exploring early findings was held with 25 practitioners working in operational and frontline services across Fife.

By taking such an approach the study was able to provide real-time insights on experiences of Child Maintenance and examine the experiences of Child Maintenance from multiple levels and across different policy and practice stakeholders for example those working with housing, social work, money advice provision, social security and other key sectors.

This highlighted the need for further study and exploration of children and young people's views given the importance of hearing directly from the intended beneficiaries of Child Maintenance support and to understand the pivotal role that Child Maintenance can play across both childhood and adolescence.

Survey sampling



Households were not directly asked on their socio-economic status however across the study many households indicated that they were living on low income within their responses.

Case study sampling

Case study participant	Household	Child Maintenance arrangement
Julia*	Three or more children in household	Collect & Pay after originally started on a family-based arrangement
Christine*	Three or more children in household	No Child Maintenance arrangement
Kate*	Two children in household	Failed family-based arrangement which moved onto court ordered arrangement
Emily*	Lone parent household	Direct Pay with special variation request in progress

Part Three: Findings

Understanding Child Maintenance in Fife

Summary

We received 270 responses to the survey from households. This included:

- Households within Fife reported a diverse range of Child Maintenance arrangements including: no arrangements (n = 75), family-based arrangements (n = 72), Collect & Pay (for cases with compliance issues) (n = 34) and Direct Pay arrangements (n = 30). Forty households had broken down arrangements.
- Supporting Child Maintenance in Fife required multiple systems and processes and institutions to be working together to better support families with accessing and sustaining arrangements.

Overview of household Child Maintenance arrangements

Within this research we sought to understand experiences of Child Maintenance across Fife. Separations in relationships bring about changes in family structure and the financial structures around it. Navigating this requires support and advice to suit family sizes, relationships, financial and economic and social circumstances of parents and caregivers alongside the changing needs of children and young people.

As part of our study, survey participants were asked to indicate all their current Child Maintenance situations for their household. This question was designed to allow for the multiple circumstances or experiences of Child Maintenance that can be present within households.

Responses given within this survey indicate within Fife, there are diverse approaches to how families arrange and pay out their Child Maintenance ranging from households where there was no Child Maintenance arrangement to those which had been court ordered.

- **No arrangement:** Within the 270 survey responses, 75 parents reported that they have never tried for Child Maintenance for a child or children.
- **Family-based arrangement:** 72 parents reported having a family-based arrangement (where parents have a private arrangement). Within the delivery of Child Maintenance there has been a focus to encourage families to set up family-based arrangements. This aligns with wider evidence from across the UK produced by the National Audit Office which stated that 'parents are now relying less on the state to help them make maintenance arrangements, which was an aim of the Government's 2012 reforms'.³¹
- **Direct Pay arrangements:** Thirty respondents reported that held a Direct Pay arrangement where the CMS provides calculation, but the money is paid between parents.
- **Collect & Pay arrangements:** Thirty-four held a Collect & Pay arrangement, where a child's non-resident parent pays the CMS, which then passes the money to the resident parent, involving a charge which is deducted from the receiving parent for using this service. Collect & Pay is usually applied in periods of non-compliance or other concern.
- **Broken arrangements:** Forty parents reported a broken-down arrangement again indicating a loss of income for families and challenges with the sustainability of arrangements.

There were also other, differing situations within households with 16 respondents reporting having a Child Maintenance in payment for one child but not for other(s) indicating additional complexity for family relationship and re-partnering. Additionally, 14 respondents reported that they had equal care and therefore did not require a Child Maintenance arrangement.

Furthermore, in terms of other experiences of Child Maintenance arrangements, six parents were ineligible for Child Maintenance due to imprisonment. This highlights questions around support structures and alternatives to Child Maintenance when a non-resident parent is imprisoned. There were also two households who indicated that the child had their own arrangement as opposed to the parent and six who were ineligible due to bereavement.

An 'other' category was also included in the survey. Under this category, parents indicated a variety of circumstances. These included circumstances such as payments being decided by an ex-partner, maintenance being paid by another relative rather than the non-resident parent, the non-resident parent being untraceable, and three parents indicated families did not fit the criteria of requiring Child Maintenance.

It was clear from analysis of the myriad types of arrangements in Fife that families had diverse circumstances. Supporting families with accessing and sustaining arrangements requires this to be understood and considered within policy and practice responses.

Households with no Child Maintenance arrangement

Summary

- Non-uptake of Child Maintenance is a complex issue. Across this study, parents reported multiple reasons for not having an arrangement. A negative or abusive relationship with an ex-partner was the most common reason for this (n = 73).
- 48 households reported that they did not have contact with the non-resident parent. These stark findings point to a concerning support need around non-take-up of maintenance within Fife and a potentially hidden group not accessing maintenance due to risks such as domestic abuse, economic abuse, and coercive control.
- Accessing the Child Maintenance System requires the resident parent to pay a £20 fee unless a household is exempt under specific conditions. This was cited as a barrier by 26 parents in the study who had not accessed the service.
- Confusion around child contact and Child Maintenance was apparent within this study and this was another key barrier to establishing arrangements due to myths and misconceptions.
- Greater information and support were required with establishing maintenance arrangements in particular supporting resident parents with an understanding of financial circumstances of non-resident parents.
- Hidden or invisible groups in relation to Child Maintenance included those who had experienced bereavement or households who had been unable to pursue arrangements due to imprisonment of a non-resident parent.
- Adequacy of financial support that was obtained served as a push factor whether to pursue CM arrangements. Where amounts received would be small, this was a reason to not pursue or establish an arrangement of any kind.

Exploring non-uptake of Child Maintenance arrangements was a key aim of this research to understand the reasons why some do not have an arrangement. Evidence from the National

Audit Office has found that that 350,000 parents with care or resident parents do not have maintenance arrangements but would like one.

Within the survey, respondents were asked to indicate all reasons that contributed to a household having no Child Maintenance arrangements. Their responses show that families in Fife are facing several barriers and challenges preventing them from accessing Child Maintenance. Experience of a negative/abusive relationship with the other parent was the largest response (n = 73) for not having an arrangement. These stark findings point to a missing support need for Child Maintenance within Fife given the potential of these findings as a partial indicator of domestic abuse including economic abuse and coercive control. Alongside these concerning findings, the second largest response in the survey (n = 48) was from parents who did not have contact or a relationship with the other parent.

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

(Survey respondent)

Child Maintenance and the connections and experiences of domestic abuse and coercive control needs further research. Evidence from One Parent Families Scotland documented that domestic abuse has been a barrier to parents pursuing Child Maintenance arrangements because of fear and concerns regarding safety.³² The support service, Surviving Economic Abuse, highlights that Child Maintenance can be used as a tool of economic abuse; for example, through refusal to pay or threats or conditions applied to payment and that some resident parents may be avoiding pursuing Child Maintenance to avoid or prevent continuation of abuse.³³ Financial abuse is a form of economic abuse reported to be present in 99% of cases of domestic abuse.³⁴ A recent independent review by Dr Samantha Callaghan has been undertaken to review how the Child Maintenance system deals with domestic abuse.³⁵

Other barriers preventing establishing or taking up a Child Maintenance arrangement focused on the potential impact on child contact (n = 22). Historically, there has been a complex relationship in terms of the allocation of care and the relationship between child contact and Child Maintenance however paying Child Maintenance does not automatically result in child contact.³⁶ In the UK, a parent is legally responsible for maintaining their child, even if they do not live with the other parent or have no contact with the child.³⁷ Opened ended comments in the survey also discussed lack of child contact from a non-resident parent which was also perceived to be an indicator of the likelihood of success of establishing and sustaining a Child Maintenance arrangement in practice.

The CMS itself posed barriers to people establishing arrangements. In our study, 26 respondents reported the cost of applying to the Child Maintenance was a barrier. This echoes findings from a previous study in Fife by Poverty Alliance on the £20 application fee that is required to access the CMS.³⁸ For households on a low income, the process of charging may adversely impact households who may be more likely to benefit from access to the CMS. Research has found that, in the UK, children of lone parents who are in poverty and not receiving maintenance, would be lifted out of poverty in around 60% of all cases if their resident parent did receive Child Maintenance.³⁹

Information and signposting also emerged as an area for further work within Fife as 26 respondents indicated that did not know where to get help or support when making a claim illustrating the need for better pathways of support for families. Alongside this, 28 respondents indicated that they were unclear on the non-resident parent’s circumstances with one respondent indicating the other parent was self-employed.

“My ex-partner is on the dole so I wouldn’t be entitled to much probably £5 a week so that’s not even worth the battle”

(Survey respondent)

Financial sufficiency of the household was highlighted by 26 parents as an additional reason to not pursue Child Maintenance. Whilst this reflected that Child Maintenance was not required at present, it is important to consider for families in this position, that there may be sudden changes in a household’s circumstances where this may shift requiring a resident parent to obtain Child Maintenance such as illness or pattern of sharing care. This also emerged as a partial trend for those who stood to gain only limited amounts of Child Maintenance, where the decision making processes by resident parents often centred around the likely financial benefit/gain vs the experience of navigating obtaining payments in practice. This emerged both in open ended survey responses as well as interview data as the case study below illustrates.

Case study: no Child Maintenance arrangement in place

Christine*

Has two children with her ex-partner who are currently aged 6 and 5. When she first separated from her previous partner in 2018 there was challenging experiences of child contact and communication over time broke down. Christine thought that payment of Child Maintenance by the non-resident parent may help bring consistency and stability to her children’s experience of child contact who were being emotionally affected by irregular contact. Christine hoped that she could use Child Maintenance as a tool to help support child contact and that it would encourage the non-resident parent to think *“If I am paying for them, I should see them I thought I would try”*. Christine reached out to the CMS *“to see what I would be entitled to”*. Christine was informed that she would be required to pay a £20 fee to get set up on the system. She felt this was unfair *“getting you to pay £20 to get someone else to pay for their children.... he helped create the children he should help pay to bring them up”*. Christine was informed that she had to pay the fee to access the system and its support. Christine was also informed that because the non-resident parent was in receipt of benefits, she would only receive a maximum a £3.25 per child a week. I was shocked *“children aren’t cheap to bring up... wouldn’t even cover a pair of socks”*. Christine chose not to pursue the Child Maintenance claim due to the small amounts she would receive and the risk of further issues with child contact *“the amount wouldn’t even clothe them etc so what’s the point with the hassle”*.

*not real name

Finally, within open-ended responses to the survey, the issue of ineligibility emerged. This was where parents with care noted that they were ineligible for support due to life circumstances such as bereavement and imprisonment. Experiencing bereavement is a complex life event and whilst the numbers mentioned in this study were relatively small in this study, the bereavement of a paying parent would result in maintenance payments being stopped and the case being closed. Additional insurances may provide a buffer as a form of income protection, but no provision is provided by the CMS.⁴⁰

For those households whereby a non-resident parent was imprisoned, this was also a hidden issue. Whilst the numbers within our study were small (5 respondents), wider evidence indicates that around 27,000 children in Scotland are estimated to experience a parent’s imprisonment each year – more than those affected by divorce.⁴¹ Therefore, the issues of Child Maintenance for households affected by imprisonment will likely have resonance at scale.

Supporting Family-based Arrangements

Summary

- Family-based arrangements were often shaped by experiences of separation; for example, where parental separations had started in a less defined way, this seemed to have led to more informal Child Maintenance arrangements and therefore moving into family-based arrangements in practice.
- Family-based arrangements were seen to provide a flexibility to managing support however this was often more fragile in practice and supporting successful family-based arrangements required navigating a range of issues including child contact arrangements, life transitions such as re-partnering etc.
- Risk within family-based arrangements, saw several strategies applied to support the sustaining of arrangements. Evidence in this study included resident parents avoiding challenges or amending existing arrangements due to concerns regarding child contact or risk affecting existing arrangements and obtaining lower levels of support.
- In terms of wider contextual factors, the pandemic had impacted on family-based arrangements with households in this study reporting arrangements breaking down consequently.
- The £20 access fee for taking a case forward on the CMS served as a barrier and a push factor towards family-based arrangements for low-income families.

Supporting and understanding family-based arrangements was a key aspect of this research. Both interview and survey participants shared their experiences of establishing and sustaining family-based arrangements within households. Family based arrangements can take a variety of forms including cash based transfers, pay for specific costs (such as clothing), paying core costs or other arrangements between parents. Family-based arrangements are not covered by the CMS, nor are they involved as a service in this type of arrangement being established. Parents and caregivers using this arrangement require other mechanisms for enforcement if arrangements breakdown.

Many different factors influenced why households opted for a family-based arrangement which is a key aspiration of the current Child Maintenance System. Experiences at point of separation influenced the establishment of family-based arrangements. Ending of relationships had often been a difficult and unclear process, for example, in some situations, family-based arrangements had begun informally as due to the process of separation being less defined or clear, there was hope of 'working things out'. The approach of family-based arrangements had been centred around the intention of being tied to a less 'final' or fixed experience of Child Maintenance. The emotions of separation and the complexity of setting up different and separate household structures, changing support networks and general experiences of change had contributed to people adopting this approach.

The flexibility of the approach of family-based arrangements was seen as positive for families as it was perceived that it allowed for an agile approach to different needs emerging across families. However, longevity of family-based arrangements was challenging. Sustaining family-based arrangements required households to be communicating effectively on their needs.

Within this study, both within interviews and survey data, parents spoke about the challenges with maintaining arrangements. Across a child or young person's life course, parents raised issues such as job changes, housing changes or moves, re-partnering, pregnancy, or step parenting of other children, shifts in family life such as caring needs as well as other changes in life circumstances. To maintain family-based arrangements was reliant on the experience of

these changes being communicated and resolved.

In terms of what made a family-based arrangement 'successful' this was generally seen as an arrangement that was financially effective for households. Despite this there were hidden pressures and issues that presented in practice for households utilising family-based arrangements. Confusion around the other parent's financial circumstances was a key factor in family-based arrangements being established for example due to self-employment status.

This often meant the resident parent was not clear on the non-resident parent's level of income and the appropriateness of the payment level in comparison to accessing payments through the statutory CMS. In this sense family-based arrangements decision making were based on only partial information or understanding between resident and non-resident parents and were potentially financially ineffective.

"Because mine was self-organised and I have never had to use the system then I can't comment. I do think the kids get less than they would if we went through official channels as I speak to others that appear to be getting for one child what my 4 get combined, but I will not ask him for more as I never want him to feel like I need him"

(Survey respondent)

For some parents in the study, whilst resident parents highlighted challenges with the adequacy or frequency of financial support, they were also concerned about supporting non-residents parents with 'affordability' of payments and 'fairness' of amount of Child Maintenance.

"Don't want to rock the boat or seem greedy by asking"

(Survey respondent)

The ability to be able to flex and control Child Maintenance arrangements were seen as beneficial components of family-based arrangements and a tool for supporting the logistics of family life and changing needs. Sustaining arrangements in terms of the frequency and continuation of payment was flagged as an important component even if this resulted in reduced payments and the importance of this money for a child or children's needs. More generally this was also linked with views of child contact that working through challenges in Child Maintenance was important for the benefit of children or young people in the household. Child contact was both a factor in the continuation of payments but also in the rationale for them to be set up.

"Wanted to keep a clean and easy relationship with their dad, we share things"

"I don't want to say they want more access to reduce amount of money. That's my fear"

(Survey respondents)

As part of this study, we explored experiences of family-based arrangement payments in practice. Survey respondents were asked about their payment experiences during the pandemic. For those on family-based arrangements (n = 72), 12 survey respondents reported that they received less money during the pandemic. In addition, 10 also reported that during

the pandemic the arrangement stopped or broke down. It was clear from our data that the pandemic had been a challenging period in terms of sustaining family-based arrangements. This in many ways was unsurprising noting the unprecedented social and economic changes that affected households during the pandemic (e.g. furlough, unemployment). However more research is needed to analyse what these financial shifts may have meant at a household level and the experiences of paying and receiving parent's during this time and the impacts on children and young people.

Wider system issues within the CMS also served as a push factor towards family-based arrangements. The experience of the £20 charge required to access the CMS service was highlighted within open ended responses within the survey. Whilst the charge can be waived in certain circumstances where the applicant is deemed exempt (the DWP reported that this has been the case in 53% of cases in September 2022), this is still an additional cost for families requiring help who do not meet criteria. Overall figures show that they DWP has earned over £0.75m in revenue from this area alone in 2019/20.⁴²

Alongside this, one survey respondent individual reported that they were in a family-based arrangement due to not being able to pursue child maintenance through the CMS because the non-resident parent was overseas.¹

Family-based arrangements are not without risks and as an approach to Child Maintenance, could potentially lead to financial or other forms of harm due to the self-organised nature of arrangements potentially enabling financial control and abuse. It is important to note that withholding of Child Maintenance could also be considered as a form of economic abuse.

Evidence from interviews within our study highlighted that family-based arrangements could be used as a tool of domestic abuse and coercive control. This included examples of how this was the case for example through disputes around parentage and around approach of payments.

Case study experience of a family-based arrangement

Julia*

Julia has two children with the non-resident parent. Julia previously had a family-based arrangement which saw two children being paid for until the oldest child turned 16, when the arrangement broke down due to the refusal of the non-resident parent to continue paying. Failure to be able to resolve this resulted in Julia then accessing support from the CMS.

Communication during the breakdown of the arrangement was hostile and challenging and resulted in a DNA test as part of the case, which was arranged and cancelled several times. This caused "emotional turmoil" for Julia and her children. Julia questioned the institutional processes within the CMS that this was allowed.

"I found that humiliating getting that done, there was no doubt on parentage.... I got it done as it removed that as a card to play with for not paying.... Me and my child had to go through it... they are still affected by it and have anger issues."

This case has also been challenging in terms of pursuing and enforcement an arrangement due to errors that have been made in the case by the CMS. Maintaining this case has resulted in lengthy phone calls and being on hold for several hours. Julia also raised the issue that **"Case workers don't know what's going on with your case"**. Despite the oldest child still being in full-time education, the CMS have now closed this case.

*not real name

Case study experience of a family-based arrangement

Kate*

Kate and her partner had two children together and when their relationship broke down, she approached them about Child Maintenance. They agreed to have a family-based arrangement for a fixed amount. In practice this was however a negative experience for Kate and one that resulted in an experience of coercive control due to the flexibility but also lack of external support and assessment that family-based arrangements offered.

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

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

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

Kate recognised the ethos of family-based arrangement to try and encourage cooperation and co-parenting between parents upon separation, but this was insufficient for her situation.

*not real name

Family-based arrangements allowed for a space between resident and non-resident parents to have control over the way they organised and administered Child Maintenance. As an approach, the components of what made a successful arrangement included ensuring that arrangements were developed and maintained in a way that was equitable, considering factors such as financial affordability and recognition of needs and choice and accountability within the arrangements.

Despite this, this research reveals the potential risks of family-based arrangements, including going along with reduced payments or the risk of financial abuse as well as wider structural inequalities in accessing the CMS through the initial application fee.

Child Maintenance Service: 'Direct Pay' and 'Collect & Pay' Child Maintenance Arrangements

Summary

- The CMS approaches of 'Direct Pay' and 'Collect & Pay' required improvement in many cases to be effective for resident parents in terms of receiving accurate and regular payments.
- Respondents on Direct Pay highlighted problems with payments alongside issues in terms of the calculation approach within the CMS system.

The CMS offers parents several routes regarding supporting establishing and arrangements of Child Maintenance. There are two main options that are used: 'Direct Pay' and 'Collect & Pay'. Guidance on this approach states that: ***“Direct Pay is used when the CMS works out the amount of Child Maintenance a paying parent must pay, but parents agree between themselves how and when payments are made”***.⁴³ Where Direct Pay is not working; for example, due to missed or late payments, a request can then be made to be moved on to Collect & Pay which has a fee structure with an additional cost to both resident and non-resident parents.

Direct Pay Arrangements

In the study, experiences of Direct Pay Arrangements were mixed. Of the 30 survey respondents receiving Direct Pay Arrangements, open ended responses indicated that there were challenges for receiving parents in terms of adequacy of amounts, the assessment process and how calculations were conducted for those who were self-employed or who had changing circumstances such as job moves as well as issues with payments including delays in receiving payment and problems with arrears.

“I do receive Child Maintenance (but only after pursuing it). Since they earn cash in hand some of their earnings are not considered”

(Survey respondent)

“I think there’s too much protection for the paying parent. Not enough effort goes to help families access payments. In my case my ex lied about their income and the maintenance service refused to reassess the case, so he avoided paying hundreds of pounds over the year. I’ve seen too many stories like mine and for paying parents to claim they’re earning nothing through self-employed status yet can afford to live in large houses with expensive cars. I know this isn’t the case for everyone and I know many people with positive experiences but when the paying parents is awkward or dishonest, they seem to get away with it”

(Survey respondent)

Several respondents indicated issues with arrears and having to report this. This is indicative of a wider issue in terms of monitoring of Direct Pay arrangements. Gingerbread UK (2019) has criticised the administration approach for echoing the previous Child Support Agency, where it is assumed that an arrangement is effective without checking with the resident parent. The DWP does not monitor the outcome of Direct Pay arrangements.⁴⁴

Similarly, to family-based arrangements, the pandemic has affected parents’ experiences of

Direct Pay arrangements. Four respondents reported that they were receiving changing amounts of maintenance with irregular payments and two received a changing amount of maintenance with regular payments. Of these responses, a further three highlighted that the pandemic had led to their payment structure changing. Wider research is required to understand the experience of those on Direct Pay during the pandemic.

Open ended responses highlighted that some households had accessed Direct Pay after problems with family-based arrangements.

“Absolutely ridiculous the number of times you have to contact Child Maintenance to ask what’s happening, when getting paid, how much, never good communication gave me nothing but stress and disappointment, took 7 months to get up and running for the amount to be shockingly wrong, ended up cancelling altogether”

(Survey respondent)

“We haven’t had full payment in a long time, so paying parent is in arrears of thousands with no action taken. We financially are struggling with the rise in costs across the board and with getting not even a quarter of what is due monthly from paying parent, we are really struggling even more”

(Survey respondent)

It is important to note that the resident parent must notify the CMS when payments are missed under Direct Pay and these transactions are not monitored by the service directly.⁴⁵ This approach therefore places further pressures on the resident parent in terms of administrative requirements for maintaining arrangements as well contributing to a lack of data collection on arrears levels for families in this form of support.

More critically when in this situation, resident parents face being moved onto Collect & Pay arrangements which will incur charges and this approach puts extra demands on resident parents who must provide evidence on why this was required. Evidence used by the National Audit Office (2022) shows, on average, non-resident parents moving onto Collect & Pay in the quarter ending September 2021 from Direct Pay were owed £1,100, around five months’ worth of maintenance.⁴⁶

Collect & Pay Arrangements

The other approach the CMS administers is Collect & Pay which is where the CMS collects and passes on payments to resident parents. Thirty-four respondents to the survey were on Collect & Pay. This service incurs fees for its usage for both parents. For those using Collect & Pay, where the CMS collects and passes on payments, the non-resident parent must pay an extra 20% of the Child Maintenance on top of the maintenance due and the resident parent is charged 4% meaning they receive 96% of the Child Maintenance allowance paid by the non-resident parent.⁴⁷

This in effect means both parents are charged for the usage of this service and the money received by the resident parent is reduced impacting on the money available for children. The ethos of charging for Collect & Pay is to provide an incentive for parents to move their case onto ‘Direct Pay whereby no collection fees apply’.⁴⁸ This is a clear policy intention to avoid long-term usage of the Collect & Pay service.

The administration of the charging process within the 'Collect & Pay approach' was viewed negatively by participants within this study. This approach of charging resulted in financial loss in terms of Child Maintenance as well as being an additional financial penalty to the original £20 application fee, which was usually incurred by the resident parent.

"Very unfair for the parent who the children reside with to have to pay for the application fee to set children maintenance plan up. Also feel strongly about why a percentage of the children's payments are taken for using the service where that money should go fully to parent who needs this to support their child"

(Survey respondent)

"My ex-partner pays maintenance regularly but that's after years of irregular payments and 3 years of no payments. The period of no pays left me in debt because I am on a low wage"

(Survey respondent)

Compliance and opportunities for pursuing arrears or missed payments was also an issue with Collect & Pay. Under Collect & Pay, the CMS can access different routes to support enforcement of Child Maintenance. Under the Child Support Act 1991, the private right of the resident parent to enforce payment of Child Maintenance through the courts was removed. In practice this means the state, or the CMS, has a sole responsibility for enforcing obligations and has discretion whether to pursue enforcement⁴⁹. Therefore, the conduct of the CMS in relation to enforcement of maintenance arrangements is critical to ensuring families receive support. Figures on unpaid maintenance owed to families on the current Collect & Pay service has increased by more than £1 million a week to a total of £440 million in October 2021 and is predicted to grow to £1 billion by March 2031.⁵⁰

This was reflected in the experiences highlighted within this study.

"I have had CMS involvement for roughly 5 years, mistakes initially by CMS led to arrears right at the start..."

(Survey respondent)

Whilst the survey respondents were not asked directly about arrears amounts, several provided examples of arrears in the survey with the highest amount reported circa £25,000.

Other open-ended responses reflected the lack of efficiency of the service to identify and act on arrears early when on Collect & Pay. Survey respondents highlighted the lack of agility within the system to address this and issues when non-resident parents were actively avoiding payments of arrears. Respondents highlighted problems arising when a non-resident parent applied for benefits which limited the money that could be reclaimed due to limitations on reclaimable amounts as well as self-employment calculations and issues around variance of arrangements (when circumstances allowed calculations to be adjusted).

"I am supposed to receive x amount a week as my ex is self-employed and claiming benefits. He has put his business as 'dormant', so he doesn't have to pay any maintenance and I won't chase him for x amount a week as it's embarrassing the lengths, he has gone to, so he doesn't have to support his child"

(Survey respondent)

“There are too many loopholes that parents can exploit e.g., self-employed, continually moving job to avoid payment”

“Empty threats of jail, removing passports/driving license etc. over £5000 in arrears and none of these things happen. Non-paying parents still driving around and taking holidays”

(Survey respondents)

A core theme emerged on the need to have more continuity of care when progressing through more complex cases. Participants in the study reported issues such as contacting the CMS and having to spend time on the call helping a case worker who was new to their case navigate what had happened previously which resulted in lengthy phone calls and a lack of understanding of the progression of their case.

Several interviewees had reported having to go to court regarding their Child Maintenance cases, which was challenging in terms of emotional energy and again the limitations of support provided by the CMS for example a failure to produce evidence when required. Alongside these financial barriers, other needs were reported such as legal support for example when navigating court orders. This was the experience in the case study below where a special variation request to amend Child Maintenance payments had resulted in a tribunal.

Case study: special variation of calculation Direct Pay

Emily*

Emily is a lone parent with two children aged 10 and 15. She had experienced a difficult separation in 2017 and her ex-partner had moved away and re-partnered with another family. Financial separation of the family circumstances was complicated in terms of Child Maintenance contributions which moved from informal to being taken through the CMS. A calculation was produced; however, as there were children in the new household, the Child Maintenance was reduced. A special expenses variation was applied for which resulted in reduction in Child Maintenance where travel costs for child contact given as the rationale. This was contested through an appeal and was taken to tribunal. There was a lack of clarity from the CMS, who failed to attend the tribunal, on the transparency of the special variation. Emily stated: ***“The judge was really angry they had ignored the court order to attend and supply information”***. It was a difficult experience ***“even sorting childcare”***. Recently due to a house move by the non-resident parent a further variation of Child Maintenance has been applied for a reduction of around £1500 a year. This was a concern for Emily based on her ***“rising living costs, everything is going up”***. It feels like ***“the children’s needs don’t matter.... Children are fast growing etc”***. The experience of Emily felt like a continuation of the emotional abuse she experienced when she was in a relationship with her ex-partner.

*not real name

Across both the surveys and interviews, clear evidence emerged on the need for better compliance and support when Child Maintenance agreements were breached across all types of arrangements, both Collect & Pay and Direct Pay. Households in both the survey and the interviews reported challenging experiences in terms of navigating the experience of compliance of payments.

Child Maintenance as a core component of household income

Summary

- Child Maintenance is used for a range of household spending to help support the costs of raising a family.
- The current cost-of-living crisis was placing financial pressure on households but particularly low-income resident parents who were faced with increased spending on areas such as food and energy costs. Households with no or broken-down arrangements in place also reported increased financial precarity.

Households within this study were asked about how they used Child Maintenance payments. Households who had Child Maintenance arrangements, or had previously been in receipt of Child Maintenance, shared how payments were used for a variety of household costs including:

- Household bills: heating of home and other key costs such as rent and childcare costs;
- Food including payment for school meals;
- Clothing for children: including shoes, clothing for hobbies and school uniforms;
- Extra-curricular activities or hobbies for children; and
- Days out for family alongside school trips.

The importance of stable and consistent payments was critical to ensuring that there was predictably in financial circumstances and allowed for planning within households.

Usage of Child Maintenance and household financial resources were explicitly linked. For those on lower levels of income or in receipt of lower amounts of Child Maintenance, spending on household bills and food was prioritised.



Impacts of the cost-of-living crisis and Child Maintenance

As part of the survey, respondents were asked to provide open responses on the cost-of-living in relation to their current financial status and how this will impact Child Maintenance arrangements and circumstances. Food, energy and clothing were core living costs that adequate and secure Child Maintenance could support families with.

Within the open-ended responses, many households were experiencing a great deal of stress navigating rising living costs and the importance of secure and reliable Child Maintenance payments for resident parents was emphasised as a critical component to aid financial security for households and as an important buffer in the financial pressure households were facing.

"I am terrified about the current situation. Every penny I receive is already stretched to the absolute maximum and the rising cost of bills and food is already taking its toll. This month for the first time ever I have had to use some of my Child Maintenance payment to cover electricity costs, money which would usually be used for my daughter"

(Survey respondent)

"Instead of setting it aside only for the children's use I will have to use it for fuel bills"

(Survey respondent)

Alongside this, specific households may face additional risks during a cost-of-living crisis dependent on their circumstances. For example, families with a disabled parent or child have on average lower incomes than their non-disabled counterparts. These households have hidden areas of spending such as costs related to supporting specific needs.⁵¹ Some respondents who do not receive maintenance raised the significant costs of supporting a child or children, such as disability costs. Household types within this survey who emphasised this particularly were single parent and larger households, and those where there was a disability or long-term health condition within the household. These groups have an increased risk of experiencing poverty.

"As a single mum of 3 children who only works part time and receives no financial help from the children's father I will struggle massively, I already am".

(Survey respondent)

"I don't get any payments,but the cost-of-living going up means my autistic son is missing out on more because we are having to use the money for heating and light etc instead of getting him out the house there's only so far child tax and employment support allowance go".

(Survey respondent)

Resident parent survey respondents indicated changes such as changing or reducing food choices or going without food, reducing energy consumption, and working extra hours within employment.

"With everything costing more I worry about feeding my children being able to heat the house being able to wash and dry clothes for the children".

(Survey respondent)

In one response, a parent indicated her child was also concerned about rising living costs. All these issues were having an impact on physical and mental health.

"I am paid according to the set days and times my ex-husband has her per our Separation Agreement. I.e., 2-3 nights per week, the child goes far less frequently and her father refuses to pay more or help with anything she may need. I am working all hours I can, but they are reduced at moment. I have no other form of support. With the rise in costs, I find I am constantly struggling to provide food and can't afford to have the heating on"

(Survey respondent)

"Since my ex-partner stopped paying maintenance I have been struggling to keep on top of payments. I make just enough to not be eligible for school clothing grant and this has really impacted my ability to pay for other things this school year like school meals and uniform. I am nowhere near the top of the council house list, so I am paying private rental and rising costs are crushing".

(Survey respondent)

Critically, for those experiencing problems with Child Maintenance arrangements, the cost-of-living crisis was leading to further unpredictability/shortfalls of income making budgeting and covering costs more difficult or unachievable. Concerns highlighted in open-ended survey responses included the adequacy and sustainability of existing Child Maintenance payments and the risks of payments becoming reduced in this context by paying parents as their living costs rose.

"Other parent is now trying to decrease the amount paid (which is already under the recommended amount on the CMS calculator) and applying significant pressure for me to agree"

"I think the amount of Child Maintenance missing parents pay is pitiful anyway without considering rising living costs. The amount I receive for the one child I receive for doesn't even cover the cost of her dinner money for the week"

(Survey respondents)

For those with unstable or no Child Maintenance arrangements, the pressures of the cost-of-living crisis was even more acutely felt and risk of shortfalls of income and of getting into debt were shared.

“My finances are already much tighter due to the increased cost of bills. I am working extra shifts (bank shifts on weekends when children at other parents) to cover essential costs and to prevent me needing to cut back on activities. My maintenance will unlikely change, although my ex-partner has recently moved in with new partner who has children, and he has expressed desire to reduce maintenance as he is now paying for new partners Childs”

(Survey respondent)

“The period of no pays left me on debt because I am on a low wage. I don’t get much maintenance and my ex never pays for anything for his child. The rising cost of living means despite working full time and receiving maintenance. I only have enough to cover essential bills. I have cut back on food, we don’t have money for clothes and never do anything socially, this has been the case for a few years now and has taken its toll on my child’s and I mental health. Everything feels like a struggle and stressful”

(Survey respondent)

The UK and Scottish Governments have put in place responses targeted at supporting households with rising living costs. Despite this, there has been no directly targeted measures adopted to help families navigate Child Maintenance during this context, nor have calculations around Child Maintenance rates been changed in any way. Child Maintenance is based on a person’s yearly income and is calculated on gross income based by HMRC.⁵² Greater consideration is required in terms of identifying further support that can be provided to families, particularly those who are not in receipt of maintenance.

“Current energy crisis coupled with cost of living is having an impact on my finances. Ex has made one payment in the last year even with Collect & Pay. Struggling to make ends meet”

“I have 5 credit cards because CMS hasn’t helped”

(Survey respondents)

Improving Experiences of Child Maintenance

Summary

- Improving the Child Maintenance system is complex. Across this study, respondents made a range of policy and practice recommendations to improve the system of support.
- Improvements to advice and information was a key recommended action. This included the need to provide more person-centred support including continuity of case worker and the option for face-to-face support.
- The calculations process for Child Maintenance needs to improve and be underpinned by a focus on income adequacy for receiving parents. For parents who are not receiving Child Maintenance, there should be another source of support with incomes, particularly for households living in poverty. This support should be cash-based and accessible.
- Removal of the £20 charge would help support low-income households accessing the CMS Charges for the receiving parent within the Collect & Pay service should be removed.
- A trauma-informed approach should be embedded within the CMS to improve service experiences in practice. This needed to include training around issues such as domestic abuse and coercive control.
- Alternative forms of support need to be developed for households that could not receive a Child Maintenance arrangement for example due to bereavement or imprisonment.
- Greater support in compliance is required for all types of arrangement to improve the effectiveness and speed of enforcement measures.

Across the interviews and surveys, many suggestions were made on how families could be better supported with establishing and sustaining Child Maintenance arrangements. Families suggested a range of system changes to help support more effective arrangements in practice at both local and UK level. It was clear from the responses that Child Maintenance as a policy area firstly needs greater recognition and awareness that it is a key part of household incomes for many families. Alongside this, Child Maintenance needs integration and recognition within other influencing policy areas such as social security practice to allow a more holistic approach to supporting families.

Information and Advice Provision

Across the study, it was clear that support for families on all types of Child Maintenance arrangements needed to be more effective. Family circumstances reported in this study were wide ranging and support structures around all types of arrangements needed to consider different family typologies to ensure that needs of families were met. This included having a range of information provision provided in person and other forms of support both as online

“Clear and accessible guidance”

“Less wait time when phoning. I personally have been on hold for 2 hours then call cuts out. This has happened on several occasions”.

(Survey respondents)

and by telephone. Respondents said that information needs to be communicated in a timely manner especially in more complex household circumstances. Alongside this was the provision of support to be available out with normal office hours which would support families with different work patterns or caring responsibilities as well as greater provision of support to ensure shorter waiting times.

The importance of person-centred care was also highlighted. Experiences of obtaining Child Maintenance often brought up difficult emotional impacts and challenging family experiences and empathic and supportive advice was vital. Support with making applications was highlighted in terms of assistance with filling in forms and other related paperwork.

Information and advice around Child Maintenance should be delivered in flexible, agile ways and most importantly be accurate for all different types of Child Maintenance arrangements particularly for complex cases (e.g. cases with arrears, disputed income cases) requiring ongoing support, which often run into a period of years.

“Easier access to talk to someone about your case, Child Maintenance are a nightmare to get hold off/through to anyone and lack of information on your case get past from person to person or they don’t respond to you”

(Survey respondent)

“I haven’t found the service useful or user friendly. I have found a lot of admin issues e.g., using my Surname as my first name, unclear info in correspondence e.g., emails in the same week informing me that he was going to pay directly but also through the Collect & Pay scheme, difficulty finding a telephone number to contact. I keep communication with my ex to a minimum so effective communication with the service would be very helpful”

(Survey respondent)

Parents also called for Child Maintenance support to make clear the legal position in terms of parental responsibility whilst recognising the separation and sensitivities of child contact. Information and support needs for non-resident parents were identified in terms of recognising the challenges they could face within this role in terms of transition points but also in recognition of the positive contribution to financial households.

Child Maintenance calculation and levels of support

Adequacy

Amounts of Child Maintenance calculations were seen as being inadequate for meeting children's needs in our survey. Greater transparency was required into how calculations were conducted particularly in cases where there was self-employment or other circumstances. This was an acute issue in the context of cost-of-living rise. Principles of income adequacy need to underpin Child Maintenance. There also needs to be recognition of interactions with other systems such as social security and the additional risks borne by households that might be in greater need of financial support such as larger families or households with disabled children or adults. Where paying parents were on low incomes, there was a need for support to ensure that receiving parents were supported adequately including wider state support to mitigate and support their financial wellbeing.

"Calculators are very generic and not suitable for self-employed paying parent. Full assessment based on children's needs, clubs they are attending, and more comprehensive approach would be welcome"

(Survey respondent)

"Amount is based on need of the child e.g., child at 8 yrs. won't have same needs as a child of 15+. Level of maintenance should be reviewed regularly to ensure getting it right for all children"

(Survey respondent)

Child Maintenance remains an important source or potential source within the resident parent households but particularly for households who may face reduced earning potential such as lone parent households.

Removal of charging for Child Maintenance system

The £20 charge to access the CMS was viewed as a major barrier and one that required removing to support families on lower incomes access support. This process of charging for those on the 'Collect & Pay' system was also an area for change. This financially penalised those in most need of support and adversely impacted on providing for financial needs of children therefore impacting on their quality of life. Resident parents called for the removal of charging for the receiving parent within the Collect & Pay system which was seen as unfair financial penalty directly impacting on resident parents and their child(ren).

New delivery models of Child Maintenance

Suggestions of support from this study included having community drop-in clinics where people could gain in person support and advice directly from the CMS as an alternative or alongside accessing telephone or online support. Alternative pathways and places for support with Child Maintenance were suggested including providing information and advice within schools as well as within Jobcentre Plus offices.

A wider theme emerged around stigma. Across both surveys and interviews there were points on perceptions of Child Maintenance in wider society and circumstances those requiring it could be in. Better support to target misconceptions and myths around Child Maintenance was required.

Trauma-informed approach and protection of domestic abuse victim-survivors

Within the research, experiences of trauma emerged as an inhibiting factor to Child Maintenance arrangements. It was important that those supporting families with child maintenance (including those working within the CMS and practitioners in wider settings working with families) were fully skilled including being trauma informed and experienced in areas such as coercive control, financial abuse, and gender-based violence.

“For them to be understanding as not everyone’s circumstances are the same. Personally, my children do not have contact with their other parent and are now ‘legally’ old enough to voice why they don’t want to. I will not be seeking CMA as this will likely bring up bad memories for myself and my children and as the saying goes – out of sight, out of mind”

(Survey respondent)

Survivors of domestic abuse need to be better supported in all types of Child Maintenance arrangements including in circumstances where there is no arrangement. Within the survey open-ended responses, comments highlighted the risks that survivors felt were posed by starting a Child Maintenance claim including risk of repercussions and reprisals from an ex-partner and their family. This issue is a significant challenge to survivors accessing support and a recent review has been conducted by Dr Samantha Callan to review CMS support for parents who have experienced domestic abuse in setting up a Child Maintenance arrangement. This followed the death of Emma Day, who was murdered by her ex-partner.⁵³

“My experience of Child Maintenance is that it has felt like a weapon”

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

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

(Survey respondents)

Other forms of harm that were raised through experiences of the CMS system was around DNA testing and the embarrassment and discomfort resident parents felt around this.

Alternatives approaches to Child Maintenance

Loss of income when there was Child Maintenance arrears or other system barriers was a core issue shared by parents in the survey. Across the study, points were made on support for families where there were barriers being faced in accessing Child Maintenance for

example where there was bereavement or imprisonment of non-resident parent, or a parent was overseas. Alternative forms of payment to support families financially was raised as an important child wellbeing issue and of relevance during the current cost-of-living crisis. Skinner et al. (2012) argue that Child Maintenance needs to be viewed through a wider systems approach considering interactions and intentions within areas such as family law and social security to understand its effectiveness.

Compliance and enforcement

Finally, enforcement and compliance remain a key ask for improvement in supporting families to have a more effective experience of Child Maintenance. Loopholes, errors and lack of enforcement action were highlighted as key problems and greater focus on actions being taken faster was seen as critical to improvement. Greater transparency was required on thresholds of arrears. Respondents said that parents should be moved from Direct Pay to Collect & Pay if there are any issues with receiving payments.

Parents need arrears to be addressed quickly and for investigative powers to be more effective at addressing issues such as undeclared income of all forms, particularly in self-employment. Communication around the issue of non-compliance also needs to be improved with clearer and faster updates given to families on measures being employed.

Several respondents raised points on the emotional labour put on resident parents in terms of resources, time and energy and hidden costs such as childcare (in some cases) to pursue claims over long time frames including years in some situations. Mechanisms within the system particularly under Collect & Pay needed to be more efficient in terms of identifying and acting upon arrears. Parents shared their views on what changes should be made:

"A more powerful CMS with stronger investigative links with HMRC"

"Faster and more efficient support when payments are not made on time. Improved communication about missed/delayed payments and more clarity on the process of payments being missed what families next steps can be to ensure payments are made for the child"

"I was asked to prove I was not receiving payments rather than the responsible parent being asked to prove he was making payments"

"Chase the paying parent down for help with the upkeep of their children. Also make it harder so they can't work cash in hand"

"More effort and responsibility on the paying parent to ensure the primary parent is able to provide for the child"

(Survey respondents)

Child Maintenance reflections from local practitioners

Summary

- Practitioners were asked to comment on early findings and provide recommendations based on parental experiences in terms of local work and responses required.
- Participants discussed the needs for greater awareness raising and sensitive framing around Child Maintenance as well as training for case workers that is trauma-informed and recognisant of issues such as coercive control.
- Practitioners called for a mapping of local support to understand pathways of where parents could be accessing support and advice and for a local level infrastructure on this.
- Practitioners also called for adequate data gathering to build an intelligence infrastructure to understand and address needs around Child Maintenance.
- Lastly, practitioners called for Child Maintenance to be recognised as an important children's rights issue, recognising the policy context around the moves towards incorporating the UNCRC within Scotland.

As part of the research, we shared interim findings from the survey and interviews with practitioners to highlight parents' experiences of Child Maintenance in Fife.

Practitioners drawn from frontline services from across Fife were asked to reflect on the interim findings. In response, they highlighted areas for local improvement to assist with better outcomes for families and to help to increase and support more effective Child Maintenance arrangements.

Participants recognised that supporting families with Child Maintenance would be helpful for financial stability of households as well as other outcomes for households across Fife such as emotional wellbeing.

1. Awareness raising and framing of the issue

The often 'private or hidden' nature of Child Maintenance was discussed. During the workshop, practitioners reported mixed levels of understanding on the financial impacts and implications for households requiring Child Maintenance. Across services this was identified as a key area for change. This resulted in practitioners being unaware or not equipped to support issues around Child Maintenance when working with parents.

Reflecting on the emotive nature and more generally misconceptions and narratives around Child Maintenance, practitioners noted the need for approaching conversations in an effective manner, grounded in comprehensive subject knowledge. There was a clear need identified to ensure that conversations were trauma-informed recognising sensitivities of navigating Child Maintenance and cognisant of sensitives such as economic abuse and coercive control. Reflective practice was also crucial, in recognising that practitioners may also have their own lived experience of Child Maintenance to enable effective support in practice.

2. Local pathways and data gathering

Strategically and operationally, it was identified that there needed to be a clearer mapping and exploration of infrastructure and pathways locally that could support families navigating Child Maintenance at different points. There was no clear mapping of support points locally where conversations around Child Maintenance were being raised or directed to within conversations

with families. More broadly there was a need for infrastructure that supported increasing and supporting uptake of maintenance required appointed leads to help drive local change.

Contextually, this mapping was highlighted as something that could be integrated within other locally recognised priorities including the current cost-of-living crisis. It was felt that having a detailed pathway of different service support would assist in building more effective service delivery approaches as well as building local knowledge and understanding. Institutional settings across Fife recognised that information and data gathering was required on Child Maintenance to support service understanding and recognition of the issue. This included asking questions within referral processes and other key data points to ensure better local intelligence and in upskilling the workforce interacting with families.

3. The role of Child Maintenance and connections to other policy agendas

Given the numbers of separated families and the need for financial security of support from childhood to adolescence, there is a critical need to address and support families with the issue of secure Child Maintenance. Focusing on work around Child Maintenance from a child's right perspective was felt to be beneficial in terms of providing policy connections and framing which would have policy relevance recognising the policy context around the moves towards incorporating the UNCRC within Scotland. In adopting this approach this would help thinking about Child Maintenance from a child centred focus.

Conclusions

It is unjust that we have families who are unable to access and sustain Child Maintenance arrangements. It is essential that we support families to have effective and sustainable arrangements. We need to redesign how Child Maintenance works to support families to have better outcomes and, to work for both resident parents and non-resident parents and most importantly for children and young people.

By working towards more effective experiences of financial security, in particular ensuring parents are supported with their Child Maintenance experiences, we can ensure this policy area is working in addressing gender inequality as well as wider socio-economic impacts in terms of addressing child poverty.

This study has illustrated that supporting Child Maintenance needs to be a priority for Fife and beyond. Whilst this study is not fully representative it provides a critical snapshot which will likely have resonance across Scotland and across the UK. We recognise the importance of a children's rights perspective and that all children and young people have to the right to fulfil their potential, including rights relating to health and education, leisure and play, fair and equal treatment, protection from exploitation and the right to be heard around their experiences.⁵⁴

This research shares the challenges that many parents face around accessing and sustaining Child Maintenance arrangements. Examining a broad spectrum of experiences of Child Maintenance from households with no arrangements in place having never tried to establish an arrangement or due to the non-resident parent being overseas or imprisoned to households that had been forced to access the Child Maintenance Collect & Pay services.

A core intention of Child Maintenance reform following the demise of the Child Support Agency was to encourage cooperation between separated parents and for the CMS to be an infrastructure for when this could not be achieved. The Child Maintenance Option Service was to provide a service which would help move parents towards considering a private maintenance agreement or a family-based arrangement, before requiring usage of the CMS.

In practice evidence from this study illustrated that the approach of encouraging families towards a family-based arrangement was not always successful or sustainable, with parents in this research sharing experiences of private arrangements having broken down. There was a lack of enforcement available in this approach as well as lack of external support from the CMS in this area. Similarly, to other research, this research shows that family-based arrangements are often fragile and can act as a mechanism of coercive control for some households. Low-income households are also 'pushed' towards this approach due to the £20 charge for accessing the Child Maintenance Service.

A critical finding from this study is the significant number of households who did not have an arrangement in place, some of whom had never tried to set one up. This was attributed to a range of factors including fear and worry about safety due to experiences of abuse with the other parent.

When parents had engaged formally with the Child Maintenance Service through either Direct Pay or Collect & Pay again this had been problematic in practice. Firstly, across both systems, resident parents reported issues with arrears and compliance. Those who were accessing Collect & Pay were also being affected by the 4% fee for resident parents. This is particularly concerning for lower-income households struggling with the cost-of-living crisis. Complex cases resulted in long engagement with the system and frustration made more difficult by a lack of continuity of caseworker.

Contextually Child Maintenance arrangements were often shaped and impacted by the broader economic context. Covid-19 and the current cost-of-living crisis had been two income shocks

that had ripple effects on Child Maintenance arrangements in terms of sustainability and need for arrangements for households.

Alternatives for provision of Child Maintenance need to be part of support for parents who are not able to access Child Maintenance. In this study, 75 of 270 respondents reported that they had no arrangement for Child Maintenance. Reasons for this can be complicated; in this research the most common reason was experiences of negative or abusive relationships with the non-resident parent.

Recommendations: Solutions to support more effective Child Maintenance arrangements

Establish key principles at the heart of Child Maintenance to reframe our approach.

- Everyone accessing the CMS should be provided with a person-centred service, with dignity and respect at its heart and recognising rights of children to be supported in line with the United Nations Convention on the Rights of the Child (UNCRC).
- Recognising the relationship between domestic abuse, all caseworkers and staff working on Child Maintenance should be trauma informed and sensitive to issues such as financial abuse and coercive control.
- Greater service user involvement and co-production within the design of the infrastructure of Child Maintenance involving both resident and non-resident parents.

Ensure there is adequate support for low-income households to successfully access Child Maintenance.

- Removal of the £20 charge to access the Child Maintenance Options system in recognition of the increased pressures households are facing during the current cost-of-living crisis.
- Removal of charging on resident parents within the Collect & Pay system in recognition of the increased pressures households are facing during the current cost-of-living crisis and the loss of income this represents to children.
- Calculations of Child Maintenance to recognise the current cost-of-living crisis and the inflationary experiences families are facing.
- Alternative payment support to be developed and employed for households facing greater risks of missing out on maintenance. For example, when a non-resident parent is bereaved or wider issues such as living overseas or imprisonment.

Provide a service that is transparent with effective communication to meet the needs of families.

- Continuity of case worker experience to be extended across all complex cases.
- More information gathering for Direct Pay arrangements and the effectiveness of this approach for families.
- Alternatives to online and phone call support in the form of in person support to be offered to families. This could be piloted across existing information points such as Jobcentre Plus as well as extended opening times that work for families in different working and caring patterns.
- Greater transparency and breakdowns to be provided on variation adjustments within cases.

Improve compliance and enforcement of Child Maintenance arrangements.

- Greater transparency on compliance with faster enforcement when arrears arise and more detailed feedback mechanisms for resident parents.
- Where DNA testing is required, support should be provided to families being assessed through this particularly recognising the emotional impacts of undergoing this process.
- Where there is known problems with compliance, alternative support should be considered such as a minimum guarantee of support to be provided by the Department for Work and Pensions to ensure that rights of the child are protected.
- When required to provide evidence for court investigations, the CMS should ensure representation from their service.

Facilitate improved local support for families navigating Child Maintenance.

- Availability of support such as mediation for families at a local level targeted at those who are on family-based arrangements.
- Increase awareness of support available at a local level for people struggling during the cost-of-living crisis to support wider income maximisation, particularly for those not in receipt of Child Maintenance.
- Increase awareness of where parents can go to access advice and support on Child Maintenance including exploring the option of local level drop-in clinics, where families can gain in person support. This needs to be framed and underpinned by a rights-based focus.
- Training programme for support workers and practitioners working in Fife in areas such as housing, social work and other key settings around income maximisation on Child Maintenance that is trauma informed and sensitive to issues such as financial abuse and coercive control.
- Mapping of support pathway working with families and creating a local delivery plan to support better work on Child Maintenance across Fife. This needs to include working and designing support with those with lived experience.

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