

## The impact of the Child Support Act on lone mothers and their children

In April 1993, the Child Support Act introduced a new system for assessing and collecting child maintenance. An in-depth study of the Act's effects on 53 low-income lone mothers and their children found there had been no financial gains among this group of families. Furthermore, in about a quarter of these cases, the assessment process had had adverse effects on relationships between former partners or between fathers and their children. The study found:

- f** None of the lone mothers on means-tested benefits had gained financially from having maintenance from a former partner assessed (or reassessed) and collected under the Child Support Act.
- f** Administrative difficulties in the Child Support Agency had caused extensive delays in assessing maintenance; lone mothers reported continuing problems in getting accurate information about how their cases were progressing.
- f** Delayed and unreliable maintenance payments from the Child Support Agency, together with the lack of accurate information on maintenance assessments, created considerable difficulties for lone mothers who were contemplating a move from Income Support to Family Credit or off means-tested benefits altogether.
- f** A quarter of the lone-parent families experienced considerable distress following the involvement of the Child Support Agency. This was most likely where former partners had already managed to work out together a complex set of arrangements involving regular maintenance payments and contact between fathers and children.
- f** Lone mothers supported the principle that, in general, separated fathers should continue to contribute to their children's upkeep. However, the circumstances of a child's conception or birth meant that it was not always appropriate to enforce this obligation.
- f** The authors conclude that the single most important way of improving the Child Support Act would be to allow lone-parent families on Income Support to keep some of the maintenance collected on their behalf.

### The aims of the Child Support Act

The Child Support Act came into effect in April 1993 as a response to rising public expenditure on social security benefits for lone-parent families, declining numbers of lone parents in work, and growing dissatisfaction with the existing system of assessing and collecting maintenance through the Courts and the Department of Social Security 'liable relative' officers. The Act aimed to:

- increase the amount of maintenance paid by former partners and thus curb the growth in public spending on lone parents;
- tackle differences in levels of maintenance received by lone parent families which bore little relationship to their needs; and
- encourage lone parents to move from social security benefits into paid work.

The Act established the Child Support Agency, which took over the assessment of all maintenance according to a universally applicable, but complex, formula. The Agency is also responsible for collecting maintenance from former partners and paying it to the 'parent with care', where requested.

### The administration of the Child Support Act

In contrast to the system which preceded it, the Child Support Agency was promised to give a 'fair and efficient service'. However, as earlier interviews had found, delays in processing maintenance assessments were a continuing problem; for example, 19 of the 53 lone mothers interviewed for this study had returned their Maintenance Assessment Form more than a year before but the assessment was still not completed. Many lone mothers had had little information on the progress of their cases; when they did contact the Agency, they often received contradictory, ambiguous or inconclusive information.

Thirteen lone mothers had applied to be exempted from the requirement to co-operate with the Child Support Agency in collecting maintenance from a former partner, on the grounds that this would risk 'harm or undue distress'. However, there was considerable variation in how this discretionary clause was being implemented by Child Support Officers. A few lone mothers reported being placed under considerable pressure to co-operate with the Agency, despite evidence of actual violence by a former partner; others were exempted relatively quickly on the grounds that involving the Agency would cause

emotional stress. Ten mothers had not received clear written confirmation of a 'harm or undue distress' claim being accepted, and had therefore waited in considerable anxiety for many months:

*I didn't want [ex-partner] contacted about it because of the violence and because my daughter was terrified of having to see him ... It's still at the back of my mind all the time ... (Sally, who had been waiting 20 months for a reply)*

As some lone mothers began to come to the end of the maintenance assessment process, problems in obtaining maintenance through the Child Support Agency began to emerge. Six of the 21 lone mothers whose assessment had been completed reported such difficulties; all six were on Family Credit or in full-time work, so they could have enjoyed real financial gains.

### The lack of financial gain

Almost two years after the Child Support Act came into effect, none of the 53 lone mothers whose assessment had been completed was any better off financially. There were a number of reasons for this:

- Lone mothers who remained on Income Support had all maintenance deducted £ for £ from their benefit.
- Lone mothers who received enough maintenance to lift them just above Income Support level were no better off, because of losing help with housing costs and free school meals.
- Former partners who had been helping on an informal basis - for example, buying clothes and birthday presents for their children, or paying for school trips - were no longer able or willing to do so when their maintenance payments were increased.
- Some lone mothers had been waiting several months for maintenance to be paid to them through the Child Support Agency, although they knew that the money was already being deducted from a former partner's wages or benefits.
- Poor liaison between the Child Support Agency and other social security organisations - Benefits Agency, Family Credit unit, or local authority housing and council tax benefits offices - meant that in a few instances other benefits were reduced or withdrawn *before* maintenance actually started being paid.

### The impact on work incentives

There was little evidence that the Child Support Act had provided financial incentives to encourage lone mothers into employment, mainly because it could not guarantee a regular and reliable income from maintenance once they moved off Income Support. Where lone mothers knew their former partner was likely to be unreliable, it was even more important that the Agency could offer a reliable, alternative route for maintenance. However, so far the Agency was failing to do this:

*You could not depend on the Agency to get the money; you couldn't depend on them in any direction at all. Every time the cheques come, it's a surprise. (Kaye)*

Moreover, the lack of accurate, up-to-date information given to many of the mothers on Income Support meant that they simply did not know how much maintenance they might benefit from, were they to move into employment. In any case, other barriers - low pay and the lack of training and acceptable child care - still presented major obstacles to paid work.

### The impact on relationships between parents and children

Fathers who had little or no contact with their children or who were not already paying maintenance appeared to have been a lower priority for the Child Support Agency. Progress on assessing them appeared to be very slow and the former partners of these men had often heard nothing from the Child Support Agency for some time.

In contrast, the Child Support Act was most likely to have affected families where fathers were already paying maintenance on a regular basis towards their children's upkeep and where they also maintained regular contact with their children:

- Parents were distressed at the enforced changes in one aspect of a 'package' of arrangements involving property and household expenses, child maintenance and contact with children, which they had worked out together, often after a considerable period of time, after their relationship had broken down.
- Both lone mothers and their former partners were resentful that men who were already paying maintenance had apparently been 'prioritised' by the Child Support Agency, when both considered that they had been conscientiously meeting their paternal obligations.

- Protracted uncertainty about the outcome of maintenance reassessments caused particular tension and friction between former partners. It was difficult to hide this from the children:

*Before, we treated one another with respect. Now there is no conversation - it was like he thought that I was behind all this and they had said to him in a letter that I had applied for this. (Dinah)*

*We couldn't bear to be in the same room as each other, there was such an atmosphere, whereas before, Clark would come and he could have a cup of tea and John could feel at ease to show him things, but that stopped. John knew he had to get his shoes on and get out quick. (Cheryl)*

- Some fathers whose maintenance had been considerably increased were no longer able to afford to see their children so often or enjoy the same kinds of leisure activities together as they had done before:

*He doesn't spend very much, doesn't take him anywhere. He used to take him swimming. [Now] they wander around, they go into computer shops, but he generally takes Jonathan back to his home. (Karen)*

- Children were also likely to be affected by hostility between 'first' and 'second' families, if a maintenance assessment had reduced the disposable income of their father's new family:

*The children are in with a lot of arguing and fighting ... Recently Arnold hasn't wanted to go, we've had problems since this came up with the CSA. They [father and new wife] say they don't have enough finances to pay me and take the children places, to do things themselves. They've made the children feel under pressure, saying their resources are limited because of having to pay me ... The children have picked this up along the way, to a certain extent blaming me ... They have implied that they might get divorced ... because of me demanding money. (Hilary)*

### Policy recommendations

In the three years since the Child Support Act came into force, financial targets for benefit savings have been largely superseded by targets to improve the speed and accuracy of the maintenance assessments made by the Child Support Agency. Other changes to the implementation of the Act have so far mainly been in the interests of 'absent' parents, rather than to the low-income lone parent families interviewed

in this study. Areas which still need attention are:

- Ensuring that lone parents receive regular and reliable information about the progress of their case;
- Collecting maintenance from former partners and ensuring that it is paid with the utmost reliability to lone parent families;
- Improving co-ordination between the Child Support Agency and other benefits organisations so that lone parents are not worse off if maintenance is not paid.

In addition, all lone mothers need to be more aware of the circumstances in which they are not obliged to co-operate with the Child Support Agency. Some of the difficulties which the Act was causing between former partners and between fathers and children could be averted by the more judicious use of the discretionary 'harm and undue distress' clause. This could be used positively to protect those existing maintenance arrangements which are part of a 'package' of post-divorce arrangements and which are currently satisfactory to all parties.

Finally, it is likely that the Child Support Agency will continue to experience problems in obtaining the full and willing co-operation of lone mothers and former partners when neither can foresee any financial gains for the children concerned. Allowing families on Income Support to keep some of the maintenance paid in respect of their children would probably do most to restore confidence in the declared aims of the Child Support Act, that 'children come first'.

#### About the study

Interviews were carried out with 53 lone mothers who were all been receiving means-tested benefits (Income Support or Family Credit) and who had all been contacted by the Child Support Agency. Thirty-six of the mothers had already been interviewed once before and five twice before, as part of a broader, part-longitudinal study of the Child Support Act which began in March 1993.

#### Further information

A full report, **Small Change: The Impact of the Child Support Act on Lone Mothers and Children** by Karen Clarke, Gary Craig and Caroline Glendinning, is published by the Family Policy Studies Centre for the Joseph Rowntree Foundation (price £9.50).

Two earlier studies by the same authors have also been published. These are: **Children Come First?** (London, Barnardo's, 1993) and **Losing Support** (London, Children's Society, 1994).

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- 71** Diets of lone-parent families (Jan 95)
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