

Child Maintenance clauses

Equality impact assessment

March 2011

Equality impact assessment for the clauses relating to child maintenance in the Welfare Reform Bill

Introduction

1. The Department for Work and Pensions (DWP) and its non-departmental public body, the Child Maintenance and Enforcement Commission (CMEC), have carried out an equality impact assessment on the clauses relating to child maintenance in the Welfare Reform Bill. This will help ensure that:
 - the Department's strategies, policies and services are free from discrimination;
 - due regard is given to equality in decision making and subsequent processes; and
 - opportunities for promoting equality are identified.
2. The aim is to ensure that implications for equality are appropriately assessed and to provide assurance that any changes needed to mitigate potential adverse impacts have been identified.
3. The *Strengthening families, promoting parental responsibility: the future of child maintenance* Green Paper, published on 11 January 2011, is the starting-point for child maintenance reform, and provides the broader scope to the child maintenance provisions in the Welfare Reform Bill treated in this equality impact assessment. The Green Paper sets out the Coalition Government's vision for re-shaping the child maintenance system to better align it with the Government's objectives for supporting and strengthening families to deliver better outcomes for adults and children, and encouraging separating families to recognise the ongoing responsibility for their children.
4. This equality impact assessment provides an assessment of the impacts of the clauses relating to child maintenance in the Welfare Reform Bill and considers the potential impact of the proposed policies in terms of gender, disability, age and race. In some areas equality data is limited so the Government cannot say with certainty how some groups covered by equality laws would be affected. For example, there is currently insufficient data to consider impacts by sexual

orientation, maternity/pregnancy, and religion/belief. The Government are considering the best ways to improve data on these issues.

Purpose and aims of Child Maintenance Reforms

5. The Coalition Government is committed to supporting and strengthening families and improving the life chances of children and adults. Where parents do not live together, ongoing involvement of both parents in children's lives, where possible, is in the best interests of children. As such, the Government wants to support parents to reach family-based arrangements for child maintenance. This requires a re-shaping of the child maintenance system in the context of the wider support provided to separating and separated families. The policy objectives of reform are as follows:
 - to encourage separating parents to seek early advice and support;
 - to encourage separating parents to recognise the ongoing responsibility for their children and the consequences of family breakdown both financially and for their relationships, and the impact separation has on their children;
 - to support and empower those parents who can make their own collaborative family-based arrangements to do so, while recognising that for some parents collaboration is not possible or appropriate; and
 - to deliver a more efficient and effective statutory service for those who need it whilst delivering greater value for money for the tax-payer

Policy Summary

6. The Coalition Government is committed to strengthening families and to encouraging shared parenting. The child maintenance system needs to be re-shaped to better align it with these objectives. The programme of reform outlined in the Green Paper *Strengthening families, promoting parental responsibility: the future of child maintenance* is intended to support parents to move away from a system where conflict is entrenched, to a new collaborative approach where parents take responsibility for making their own arrangements for child maintenance wherever possible. The State's involvement through the statutory child maintenance system (currently the Child Support Agency) needs to be focussed on those parents who are not able to come to their own arrangement. Early intervention is required to ensure that separating parents can access integrated information and support services and to alter the statutory maintenance system so that parents can be supported to consider collaborative family-based arrangements in the first instance.

7. To address individual components of policy proposals in the Welfare Reform Bill:
- **Gateway** – to make it a pre-condition for an applicant to the statutory maintenance service to contact the gateway to the statutory service to explore the possibility of being supported to make a family-based maintenance agreement. This allows better informed decision making by families and supports the principle that family-based arrangements, where feasible, generally provide better outcomes for children.
 - **Calculation only service** – enables parents to apply for a maintenance calculation based on statutory rules (subject to a £20-25 charge) but without that figure becoming a liability managed by the statutory service as is currently the case. The intention is to help facilitate an increased number of collaborative family-based arrangements outside the statutory service.
 - **Maintenance Direct Policy** – the Government will seek to change primary legislation to allow the non-resident parent to choose to take the case to maintenance direct, whereby parents arrange for direct payment of a statutory maintenance assessment between themselves. This will allow both parents to avoid paying an ongoing maintenance collection charge as long as the non-resident parent is prepared to pay through maintenance direct on time and in full. Currently both parents need to agree to use maintenance direct. This is intended to incentivise compliance and collaboration between families and therefore parental responsibility. Proposals for the charges themselves are set out in the *Strengthening families, promoting parental responsibility: the future of child maintenance* Green Paper.

Consultation and involvement

8. The Green Paper *Strengthening families, promoting parental responsibility: the future of child maintenance* launches the formal consultation on proposals to reform the child maintenance system and strengthen support for families experiencing separation. The majority of these measures do not require legislation or are already covered in existing legislation, including the introduction of charging which received cross-party support through the 2008 Child Maintenance and Other Payments Act.
9. The Green Paper is designed to get further input on these important non-legislative changes rather than the technical enabling measures. In developing the proposals in the Green Paper to further join-up services families need around separation, a wide range of stakeholders have been consulted. This includes

voluntary and community sector organisations as well as other Government departments whose policy areas support families.

Impact of the reforms

Commitment to Diversity and Equality

10. The Child Maintenance and Enforcement Commission values diversity and recognise the importance of ensuring that statutory child maintenance services are accessible to all potential clients.

11. To ensure that staff have understood what is needed to help clients with diverse needs and to support the equality duties, learning sessions have been delivered across the Child Support Agency. People learn in a number of ways: in a classroom style situation; using the internal intranet to work through learning materials, and learning from others. Some learning sessions are mandatory, for instance:

- Training was provided in the disability and gender equality duties in 2006/7 to coincide with the new legislation. All new employees have since been trained.
- Introduction to the diversity of client groups as part of induction training. These sessions have covered issues that are faced by each of the groups, for example: gender stereotyping; myths, attitudes and beliefs; race relations; cultural confidence and minority groups, etc.
- Raising awareness through internal national network groups (Disability, Gender, Race, Age, Sexual Orientation, Work Life Balance). These groups are sponsored by national directors and they meet regularly to promote awareness, discuss issues of concern and to share good practice. Events are held to raise the profile of diversity and to role model appropriate behaviour for example a 'Diversity Week' is held each year.

12. Further, Liaison Officers work at each of the CSA centres to raise awareness of the statutory child maintenance service within ethnic minority communities to ensure the improvement of service delivery and policy development for those groups. The Liaison Officers play a key role within the client service outreach approach and have engaged with ethnic minority communities to ensure that there are no barriers to access to services and to identify improvements to enhance the customer service the Commission can provide to clients. Specifically, officers facilitate the identification of barriers within ethnic minority communities and seek feedback in order to provide a better understanding of the client base and thereby ensure that clients' diverse needs have been taken into account by the Agency.

Methodology

13. This equality impact assessment looks at how future changes to child maintenance policy will impact on people with protected characteristics under the Equality Act 2010.
14. The equality impact assessment takes each of the following protected characteristics in turn, to identify the impact of how each of the proposed policy changes impact (if at all):
 - Gender (including transgender)
 - Race
 - Disability
 - Age
15. The aim of this analysis is to identify whether those with protected characteristics are more likely to be affected by the new proposed policies, highlight any negative impacts and mitigate against them. As the policy changes outlined in the Green Paper would impact on the entire child maintenance population and those potentially falling within this population in future, this equality impact assessment looks primarily to identify whether the proportion of those with protected characteristics in the caseload differs significantly from the proportion in the wider population.
16. The key sources of data used are;
 - CSA administrative data - for information on the caseload which the Government records for protected groups (e.g. gender)
 - Relationship separation and child support study 2008 (RSS) and Families and Children Study 2010 (FACS)¹ - for information on the caseload which is not recorded by administrative data (e.g. ethnicity, disability status).
17. These latter studies use survey data carried out by external survey organisations and commissioned by DWP. As with all survey data, confidence in the accuracy of findings is lower than for complete administrative data. However, the studies provide the best evidence available on these characteristics for the caseload.
18. As previously, the Government invites contributions via this consultation on possible equality impacts of the policies not considered herein.

¹ Results from the Family Resources Survey are not included, given reservations around how results from this study compare with known results from CSA administrative data. Further, there are significant difficulties in accurately identifying all respondents to this survey with a child maintenance interest.

Gender

Statistics

19. Of the current statutory child maintenance service caseload, 95% of parents with care are female. A similar proportion of non-resident parents are male. Results from the Families and Children Study suggest that for the overall eligible population the proportion of parents with care who are female is closer to 97%².

Impacts

20. Clearly there is a significant gender imbalance across both the parent with care and non-resident parent groups.

21. Looking to individual aspects of the policy proposals and their possible equality impacts:

- **Gateway** – the Government do not anticipate any negative equality impacts from this policy. The purpose of the gateway is to ensure all parents wishing to access the statutory child maintenance system have considered the range of their child maintenance options and can be directed into support to enable them to make their own arrangements where appropriate.
- **Calculation only service** – the Government do not anticipate any negative gender equality impacts from this policy and envisage this service will be used where collaboration between parents is possible and therefore the availability of this service is of benefit to both the parent with care and the non-resident parent.
- **Maintenance Direct Policy** – the reforms allow non-resident parents to agree a Maintenance Direct arrangement without the parent with care's consent. This along with the proposed collection surcharge on the non-resident parent (where they don't use Maintenance Direct) is intended to encourage and reward compliance and therefore parental responsibility. Where the non-resident parent chooses Maintenance Direct and does not make payments as scheduled the Government will move swiftly to bring the case back to the collection service and take appropriate enforcement action.

22. This change is being made to ensure the service is fair in relation to the Government's wider proposals on charging³ and, along with the proposed collection surcharge on the non-resident parent (where they don't use Maintenance Direct), is intended to encourage and reward compliance and therefore parental responsibility.

² To note – there may be issues with small samples sizes for numbers of male parent with care respondents.

³ Drawing on existing primary legislation in the Child Maintenance and Other Payments Act 2008.

23. An alternative where the parent with care requests Maintenance Direct without the non-resident parent's consent is unworkable if the non-resident parent fails to pay. It is an inherent feature of the child maintenance system that where the non-resident parent is unwilling to pay maintenance voluntarily the full statutory collection service must be used.

Race

Statistics

24. Proportions across ethnic origin groups are largely consistent across both parents with care and non-resident parents, and both within the statutory child maintenance service caseload and the wider eligible population, with the overwhelming majority of separated parents of white ethnic origin (between 88% and 91%). These results are broadly in line with the overall characteristics of the British population (based on results from the 2001 Census), with the possible exception of Black African and Caribbean groups more likely to be represented in the population of interest.

Impacts

25. Given the nature of policy proposals, and results on the make-up of population outlined above, the Government does not expect an adverse effect on those with protected characteristics.

26. There are, however, potentially significant issues around how people engage with services where parents are non-English speakers.

27. In addition to the call-centre, spoken language translation services can be requested for telephone and face-to-face communications. There will be a Welsh language version of the self service portal.

28. Crucial to offering various different communications will be to advertise that they exist and that potential customers can request different formats and methods of communication. Ethnic community groups will need to be engaged to explain the service that is offered, how to use it and what the alternatives are. Key to the work with these groups will be learning how best to engage with the communities they represent and provide information about the services available in the most effective way. This will be part of the Government's consultation exercises.

Disability

Statistics

29. The definition of disability for the purposes of equality impact assessment is now that contained in the Equality Act 2010, and was previously that defined by the Disability Discrimination Act.
30. The Child Support Agency does not collect information as standard on the disability status of clients. As such we are reliant on survey data for analysis. The self-reporting of disability status in these surveys means that results here can only be taken as indicative.
31. Results from the Families and Children Study⁴ indicate that around 28% of individuals who report having a statutory child maintenance arrangement in place also report having a long standing limiting illness⁵. This compares to around 25% of individuals who are eligible for child maintenance but do not have a statutory child maintenance arrangement and around 19% of individuals from families without a child maintenance interest.
32. The Office for Disability Issues estimates that around 1 in 5 of the Great British adult population has a limiting long term illness, impairment or disability⁶.

Impacts

33. There is limited evidence that those within the child maintenance population may be more likely to have a long standing limiting illness and, therefore, that these protected groups may be more likely to be affected by changes in child maintenance policies, though not substantially so. At present the Government does not believe that the policy changes as outlined in the Green Paper will impact negatively upon these groups.
34. There are potentially significant issues around how people engage with services. To mitigate, in addition to the call-centre, online services and written communications the future child maintenance statutory service will offer the following services:
- Plain English adopted in all written correspondence, forms and leaflets
 - Braille or large size print options may be selected for all correspondence, forms and leaflets.

⁴ As discussed previously, usage of results from the Family Resources Survey in speaking to the eligible child maintenance population is problematic.

⁵ Generally, this study tries to use the “mother figure” as the main respondent. Given the large proportion of female parents with care in the child maintenance population results are taken to be broadly indicative of results for parents with care.

⁶ Family Resource Survey 2008/09

- Audio tapes, CD or DVDs available for standard leaflets.
- Textphone/Typetalk service.
- Face-to-face meetings may be available on request in certain accessible sites with the option to appoint a representative to act on the customer's behalf and British sign interpretation available on request.
- Internet based self-service portal compliant with W3C coding standards and WAI Priority 2 Accessibility Criteria.

35. As previously, efforts will need to be taken to ensure that the existence of these services is appropriately advertised and that clients' communication preferences are correctly captured. In developing proposals to integrate information and support for families to come to their own arrangements, the Government will look to see how the services listed above could be integrated.

Age

Statistics

36. Results in Table 1 below give a breakdown of parents' ages within the statutory service. Table 2 gives results for parents with care from the Families and Children Study⁷ across the statutory and wider population (Note: these do not fully align with results in Table 1⁸). Equivalent statistics are unavailable for non-resident parents.

37. These results show that the age profile of parents with care within the eligible child maintenance population is generally lower than respondents in the wider population of families with no child maintenance interest. Individuals with a child maintenance interest are more likely to be aged under 25. There is very little difference between the statutory and overall eligible population groups.

⁷ This study generally uses the mother as the main respondent. Given the large proportion of female parents with care in the child maintenance population results are taken to be broadly indicative of results for parents with care.

⁸ In both tables figures are rounded to the nearest whole percentage point. As a result figures may not sum to 100% and estimates of 0% should not necessarily be interpreted as showing no membership for the relevant group.

Table 1: Statutory Service – Age Distribution

Age	Statutory Parents with Care	Statutory Non-Resident Parents
Under 20	0%	0%
20-24	6%	3%
25-29	12%	9%
30-34	16%	13%
35-39	21%	19%
40-44	22%	23%
45-49	15%	18%
50-54	6%	9%
55+	3%	5%

Table 2: Wider Population – Age Distribution

Parent with Care Age	Statutory Population	Eligible Population	Non-eligible Families
Under 20	1%	2%	0%
20-24	9%	10%	3%
25-29	12%	11%	9%
30-34	16%	14%	17%
35-39	22%	22%	23%
40-44	25%	22%	23%
45-49	11%	13%	15%
50-54	4%	5%	7%
55+	1%	1%	1%

Impacts

38. Whilst the age profile of parents with care appears slightly lower than the overall population the Government does not anticipate any differential negative impacts on this group as a result of these reforms. Similarly, whilst the Government cannot source appropriate statistics for a comparator group for non-resident parent ages, these reforms are not expected to have any specific adverse negative impacts.

39. A possible area for consideration is around the treatment of very young parents. From statutory maintenance service administrative data, there are very small

numbers of such parents within the statutory service, with fewer than 200 parents with care under 18 and fewer than 30 non-resident parents. Nevertheless, the Government will consider appropriate treatment for these groups as policy proposals develop.

Gender reassignment

40. The Department does not hold information on people of transgender people and it is not likely that this will be available in the future. However the Government does not envisage an adverse impact on these grounds.

Sexual orientation

41. The Department does not hold information on sexual orientation of claimants and it is not likely that this will be available in the future. However the Government does not envisage an adverse impact on these grounds.

Religion or belief

42. The Department does not hold information on the religion or beliefs of claimants and it is not likely that this will be available in the future. However the Government does not envisage an adverse impact on these grounds.

Pregnancy and maternity

43. The Department only holds information on pregnancy and maternity where it is the primary reason for incapacity on ESA, or if someone is receiving free milk vouchers on Income Support. It cannot therefore be used to accurately assess the equality impacts; however, the Government does not envisage an adverse impact on these grounds.

Monitoring, evaluation and next steps

44. The Government will monitor equality impacts of these changes, and wider proposals in the *Strengthening families, promoting parental responsibility: the future of child maintenance* Green Paper, as the policy develops. Feedback from stakeholders and others will be monitored, and the Government will consider the need for action should any unforeseen consequences arise.

Contact details

45. If you have any questions on this equality impact assessment then please contact:

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Copies of this publication can be made available in alternative formats if required.