Work & Pensions Committee inquiry: Child Maintenance Service

Written evidence by Caroline Lucas MP (Brighton Pavilion)

1. I am delighted to see this inquiry underway and have sent details on to interested constituents, some of whom I hope will submit their own evidence.
2. Firstly, I would like to recognise the incredible work done by all those parents doing their best to raise their children single-handed, despite the challenge of juggling parenting, financial, household and work commitments. I’m pleased that this inquiry recognises that for these single parents, in the words of a constituent, “there is an absent parent somewhere who should support their child.”
3. From my constituency casework on this issue it is clear to me that the reforms to the child maintenance system introduced in 2012 did not go far enough. There remains a pressing need for a system that ensures – in the words of Brighton parent Charis Williams – that “our children receive the financial support they deserve, on time, every time.”

**Evidence-gathering**

1. The issue of evidence-gathering and proof is one on which I hope the Committee can spend some time. One constituent said: “I have told them about his income, every time I speak to them. The problem is that they always want me to play detective and give them all the info.” I believe that it is unfair and inefficient to expect the parent with care to gather evidence on the non-resident parent.

**Investigation**

1. I have been far from re-assured by the Minister’s replies to date to my parliamentary questions about the level of investigation into maintenance avoidance. For example, given the number of families affected by this, and the potential impact on tens of thousands of children, I was somewhat surprised to learn in February that there were just 33 FTE staff in the Financial Investigations Unit (see: http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2016-02-19/27465/).

**Self-employed non-resident parents**

1. In particular, it seems there is an issue with maintenance avoidance by self-employednon-resident parents. In the words of another constituent: “I'm sure he's diverting assets into his business … but how can I prove it?”
2. As you will be aware, a DWP study of the attitudes and behaviours of self-employed non-resident parents (DWP research study 980) noted that the category “may contain some individuals who are less disposed to comply overall, and are actively seeking to reduce their liability by declaring themselves self-employed”. This echoes what I have heard from constituents, one of whom highlighted to me that a non-resident parent might avoid paying their full due because HMRC data doesn’t show their true wealth. My understanding is that income from an ISA doesn’t show up and, similarly, people can put significant sums into a pension (to be accessed once the children have grown up) thus helping them ensure that their registered income for child maintenance payments is artificially low.

**Penalties**

1. A number of constituents have raised with me the concern that penalties for non-payment are weak. One said: “I feel if the punishment for not paying was more severe then we would get [the payment] every week or month.” Another said: “I'm at my wits’ end with it. My ex has not paid the bailiffs for two months now and they are doing nothing. They say there's not much else they can do now.”
2. A non-resident parent should be treated as clearly in the wrong if s/he doesn't pay, particularly as this can have quite insidious consequences. For example, one of my constituents has described non-payment as part of a cycle of abuse. This is because power over the parent with everyday care is exercised when payments are withheld. As such, it can be a route for an abusive ex-partner to enact controlling behaviour. Of course this isn’t the intention in all cases of non-payment, but it’s a point that I would like the Committee to consider. Overall, the non-payment of a legally enforceable charge should at least be considered a criminal act.
3. I hope that the Committee’s will be able to consider the issues as outlined above, including non-payment of arrears, with a view to ensuring that affordable but fair amounts are paid.

Caroline Lucas MP

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