



Missing maintenance: Karen's story

Our report **Missing maintenance** shows the failure by the Child Support Agency and now the Child Maintenance Service to properly pursue those non-resident parents who choose not to financially support their children. But how does it feel to be on the receiving end of the slow and unfocused approach of those charged with ensuring that legal obligations for children are actually paid? Karen is a hard-working professional with two teenage sons. She was owed £15,000 in outstanding child maintenance from her high-earning ex-husband.

Here, with added commentary from Gingerbread, we describe her experiences – typical of many – in trying to get effective debt recovery action taken.

Karen only discovered that her high-earning ex-husband had cancelled a direct debit to the CSA for their two teenage children (which covered his current child maintenance obligations and an amount towards 18 months' worth of debt) when - two weeks after the due payment date - a receipt at a cash machine showed she was unexpectedly overdrawn. From experience, she knew what she had to do next:

“The next step is to phone the CSA (who should really have this information already) who then ring the non-resident parent to try and convince them to pay over the phone, by credit card.”

This was followed by another two months of the same, where every time, the CSA would only act once she had informed them that no money had arrived in her account. It was left to Karen to keep checking her account and report non-payment. She was exasperated that the agency did not have a flagging system to tell staff when payments due to be collected had failed to arrive.

What Karen didn't know is that the CSA's IT system does indeed flag up to its case workers when payments, which the CSA is collecting, do not arrive at the agency on the due date¹. But officials have admitted that, in practice, the agency does nothing about this, waiting until they are chased by the parent with care. In 2012, the civil servant in charge of the Child Support Agency told MPs that, in practice:

“It is fair to say – hands up – that all too often right now it is the client contacting us, prompting us, that drives us to investigate where we are [when a payment is missed].”²

Karen was also furious at the disparity between the standards set out in the published 'Client Charter' for child maintenance and the reality of her experience. The Client Charter says: “We will be responsive....We will always tell you what is going on in your case and if we say we'll do something, we'll do it. You'll get the right information – and it will be the same information no matter who you speak to.” She said:

“That...is a particular gem, as you never talk to the same person twice, have to repeat EVERYTHING every time you ring, the new person will not have a clue what is going on, cannot read or find the notes other caseworkers added to your file, or properly understand

from them what the next course of action should be... I have had so much misinformation batted my way, so many misread details/ dates when things were supposedly actioned (only to find out later that nothing had been done).”

She was only too aware that she was the sole driver of the CSA taking any action. She wrote:

“...you have to keep chasing THEM...if you do not chase them they will NOT LIFT A FINGER. They will not actively pursue a case or follow up on actions that you make them put on the file.”

Parents are expected to deal with the CSA by telephone, but the agency's systems mean that different caseworkers handle each call, with operators having to read up from scratch the record of previous calls and actions taken, before deciding what to do next. The DWP Permanent Secretary admitted to the Public Accounts Committee:

“The system is far from perfect... The system is reliant upon the caseworker themselves to investigate the reason for non-payment and the type of action that is then required. Ultimately, it is how quickly information can be gathered and the speed with which the case worker performs the actions that dictates how long it takes for re-establishing collections.”³

It also leads to a fragmented approach, with little ownership or accountability if promised action is not pursued. The Permanent Secretary said that the process would be improved within the new Child Maintenance Service⁴. This has yet to be seen, and is cold comfort for the over 330,000 current CSA parents with children to provide for who are still owed child maintenance.

Karen continued to report non-payment, and her ex stopped answering the phone to the CSA. She was told by different staff that: when phone calls failed, they would send a warning letter; and that it would only be after two further months of non-payment (on top of the earlier 18 month period of non-payment) that they could pursue a liability order via the courts. Even then, she was told that going down the legal route was inadvisable because it could take six months and any maintenance was likely to dry up in the meantime – even though it already had. In effect, the case was going round in circles with no escalating pressure on the non-payer to meet the outstanding liabilities. She commented:

¹ In written evidence to the Public Accounts Committee (March 2012) the DWP Permanent Secretary confirmed that “the existing [CSA] computer systems do have an in-built functionality that identifies when a non-resident parent fails to pay his or her maintenance liability. A process runs nightly that identifies all cases with a payment that was due that day and checks to see if the payment due was received. If the payment was not received, debt management activity is triggered for a case worker to take action to re-establish payment.” Commons Public Accounts Committee (2012), Child Maintenance and Enforcement Commission: Cost Reductions 83rd Report of Session 2010-12, HC 1874, Ev 28

² Ibid, Question 50

³ Ibid, Ev 28

⁴ Ibid, Ev 28

“The resident parent is left completely on their own, while the non-resident parent is treated with a softly-softly approach: phone calls, more phone calls, then a letter, then another letter, more calls, a warning letter. If you are now expecting some action or a follow-through, think again. Nothing.”

Karen’s frustration at CSA prevarication and lack of follow-through in the face of growing arrears is felt by many single parents who contact Gingerbread. An independent advisory panel brought in to advise the government in 2011 noted that, within the CSA, there was:

“What is close to a single script approach to arrears collection with no visible escalation procedure.⁵”

In Karen’s case, she was told that, because her ex was self-employed, a ‘deductions from earnings’ order was not possible:

“So the CSA told me sorry, we cannot help you. All we can do is keep trying to contact him and reason with him”.

This was wrong, but fairly typical of an approach where enforcing debts owed by non-resident parents who are self-employed is more often than not put on the ‘too difficult’ pile. Enforcement options available include: taking regular amounts or a lump sum directly from a non-resident parent’s bank account; and going to court for a Liability Order – itself the prelude to a range of other sanctions including credit reference agency referral, bailiff action, charging orders and disqualification from driving.

Karen pointed out that her ex-partner had a company. She was asked the name of the company –which she did not know, but suggested the agency look at the Companies House register. When it became clear they had no intention of doing this, she did so, and supplied the details. Two weeks later, she was advised by the agency that it was good news: they had found his name on the company’s payroll, so they could now contact the employer. Karen pointed out:

“But that is HIM. Yes, he will get the letter, then the reminder, and so on and so forth. Because that strategy worked so well when the letters were addressed to him as a private person.”

The CSA’s letters were addressed to the company’s address, which was her ex-

father-in-law’s. When Karen told them this, the agency said the address was confidential. But as she said:

“NO IT ISN’T - it’s public information and I GAVE IT TO YOU IN THE FIRST PLACE.”

She concluded:

“So, now, nearly four months later, I am still sitting here, now the letters are going somewhere where they will never be opened and the farce continues. I was told “procedures must be followed”...So my children are waiting. For their CSA payments. And the arrears. More arrears are building up all the time and no prospect of them ever being paid...”

As Karen’s case demonstrates, when it comes to collecting child maintenance arrears, debt teams rarely look behind the minimum earnings figure declared by a non-resident parent who has set up a company, to establish their true income (from dividends or company loans, for example) and their capital position.

Predictably, a deduction from earnings order proved impossible due to the low salary Karen’s ex was paying himself as his company’s employee. Acting on advice from Gingerbread, Karen lodged a formal complaint about the handling of her arrears case. This finally led to her case being referred to the agency’s legal enforcement team. But once the complaints resolution team had passed on the file to the team, nothing happened – even though the file had been marked urgent. Over five weeks later, Karen made a second complaint at the lack of action. This led to the agency finally going to court and obtaining a liability order against the non-resident parent. As a result, the non-resident parent immediately started repaying his debt, on top of regular maintenance payments. Karen commented: :

“It is really frustrating to see that the individual departments are so disjointed and do not function properly. The structure of the organisation clearly does not work, they are completely without drive or willingness to support parents who may be struggling, and just tick boxes and hand over to someone else to ensure it’s off their desks.”

It was only the intervention of the CSA’s complaints resolution team, which led to Karen’s case being transferred to the legal enforcement team. Karen is not alone in finding the agency slow to move to legal enforcement of child maintenance liabilities, even when a non-resident parent is determined not to pay maintenance

⁵ DWP (2011) Advisory Panel on Arrears of Child Maintenance – Final Report

owed, and despite having the means to pay. As discussed in Gingerbread's report Missing maintenance, CSA statistics show that legal enforcement action has dropped significantly in recent years.

Karen is in a minority in energetically and persistently challenging the agency's reluctance to take action to enforce her ex-partner's maintenance obligations. The truth is that many single parents with legitimate grievances about the agency's poor performance do not complain – due to a combination of weariness and lack of hope that it will make any difference.

On one occasion when Karen complained about not being kept informed on progress, she was told that “all our services are client-driven”. This sounds positive. But it is a euphemism for doing very little unless really pushed to do so. Children's right to child maintenance should not have to depend on hard-pressed single parents having to fight, and fight again to get the Child Support Agency and the Child Maintenance Service to do its job.

Further reading and useful links:

Missing maintenance report:

www.goo.gl/ogfubl

More information about our work on child maintenance:

www.gingerbread.org.uk/child-maintenance



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