

DOMESTIC ABUSE AND THE CMS.

**Briefing for the All-Party
Parliamentary Group on the
Child Maintenance Service**

Meeting September 2023

Background

The way in which the Child Maintenance Service (CMS) interacts with domestic abuse is twofold: firstly, a significant number of those using the system are survivors of abuse and it must operate in a manner that reflects this. For example, in every quarter from July 2018 to September 2022, between 50 to 60% of applicants (receiving parents) to the Child Maintenance Service disclosed that they had experienced domestic abuse¹.

Secondly, the system can be used as a vehicle of abuse (in particular coercive and controlling behaviour) by perpetrators and therefore must be improved in order to safeguard against this.

The CMS plays a particularly important role for single parents who are survivors of domestic abuse and who may not otherwise be able to obtain child maintenance from their ex-partners. It is therefore vital that the CMS offers survivors of domestic abuse a service which is accessible, affordable, trauma-informed and safe. However, this is currently not the case. 65% of respondents to a Gingerbread survey on the CMS said they did not think that CMS staff have shown consideration of their situation as a domestic abuse survivor, and 90% of respondents who reported being subject to ongoing coercive control did not feel that CMS staff have shown awareness of their situation in how they responded to them².

In addition, both the process for claiming a waiver to the application fee for Collect and Pay - where the CMS collects and passes on payments - and the Collect and Pay charges themselves are unnecessary disincentives to domestic abuse survivors using the CMS. The process of having to self-identify as a survivor and seek confirmation from an appropriate person to obtain the waiver is potentially retraumatising, and overwhelming for survivors who may not be able to face this intrusion and potential stigma.

Whilst it is welcome that the government has accepted the recommendation of the Independent Review of the Child Maintenance Service (CMS) Response to Domestic Abuse to remove this evidence requirement for waiving the application fee for domestic abuse

¹ DWP, 2022. [Child Maintenance Service statistics: data to September 2022](#).

² [Gingerbread \(2022\) Evidence submission to the Public Accounts Committee](#).

survivors³, an evidence requirement has been recently enacted for those seeking to move on to Collect-and-Pay as part of the Child Support Collection (Domestic Abuse) Act⁴. It is vital that any requirement for evidence of domestic abuse is proportionate and is established within a trauma-informed process and following consultation with survivors and representative bodies.

Moreover, often non-payment of maintenance constitutes a form of continuing coercive control towards single parents who have left relationships because of abuse. Many single parents tell us of partners paying no child maintenance and making demands in return for maintenance or making payments with abusive references to their ex-partner's account.

Collection charges

New applicants to the Collect and Pay schemes must pay a £20 application fee, though this is waived for victims of domestic abuse, who should be enrolled onto Collect and Pay, and under-19s. Of the 32,000 new applications to the CMS in the quarter ending March 2023, 55% were exempt from paying the £20 application fee.⁵ Receiving parents on Collect and Pay must also pay 4% of the amount collected.

One survivor of domestic abuse told us:

"The whole system (CMS) was very stressful and I tried to explain how dangerous he was and how scared we were but I was just told either it's direct pay or they will charge me lots of money and my daughter will lose out."

For those using "Collect and Pay", where the CMS collects and passes on payments, the Non-Resident Parent must pay an extra 20% of the maintenance due and the Parent with Care receives 96% of the child maintenance allowance paid by the Non-ResidentParent. These charges clearly indicate that the current system is designed to penalise those who go on to Collect and Pay. While it is accepted that Collect and Pay is more expensive for the state to

³ [Independent review of the Child Maintenance Service \(CMS\) response to domestic abuse](#)

⁴ [Child Support Collection \(Domestic Abuse\) Act 2023](#)

⁵ [DWP, 2023. Child Maintenance Service statistics: data to March 2023.](#)

administer than Direct Pay as it requires more state intervention to operate, receiving parents who are domestic abuse survivors should be exempt from this charge given that for them Direct Pay is either not a realistic option or is a dangerous one.

Moreover, these charges ultimately leave children with less financial support than they would have if charges were not deducted from the amount being paid and received. This does not reflect an approach to child maintenance which centres children's rights or tackling child poverty.

In cases involving domestic abuse, it is important to remember the impact on children. As the National Society for the Prevention of Cruelty to Children (NSPCC) states: "Children never just 'witness' domestic abuse, the law now recognises they can be victims. Exposure to domestic abuse is child abuse, and it can have a significant impact on a child's development, health and wellbeing."⁶ As such, it is particularly urgent that children in these circumstances are not faced with further adverse impacts to their wellbeing through the processes of the CMS itself, whether that be charges which leave them more exposed to poverty, or insufficient training and guidance to ensure that ongoing abuse is not facilitated or exacerbated by the system.

We believe that domestic abuse survivors should be exempt from the charges and seek a clear commitment from the Government to change [The Child Support Fees Regulations 2014](#) to that end. During Second Reading of the recently passed Child Support Collection (Domestic Abuse) Act, it was heartening to hear that consideration was being given to exempting domestic abuse survivors from collection charges, yet this was not included in the Act. Removing this charge will provide survivors with access to much-needed economic resources, to assist them to rebuild their lives and support their children independently following separation from the abuser.

⁶ [NSPCC. Domestic Abuse.](#)

Understanding of domestic abuse in the CMS

We have significant concerns about the current levels of training and expertise in the CMS on supporting domestic abuse survivors. We would feel more assured that the right steps were being put in place, if we and other organisations with expertise in this area could work with Government to develop statutory guidance on what should be covered by training.

One single parent told us:

"I was told (by CMS staff) that I wasn't a victim of domestic abuse because I hadn't experienced physical violence."

As mentioned previously, of the respondents to a Gingerbread survey of CMS users, 65 per cent did not think CMS staff have shown consideration of their situation as a domestic abuse survivor. Even more concerning was that 90 per cent of respondents who reported being subject to ongoing coercive control did not feel that CMS staff have shown awareness of their situation in how they have responded to them.

One single parent told us:

"Most have been okay, usually sympathetic, but a couple have been terrible. They've also not put enough safeguards or consequences to prevent the process from being misused by abusers, eg by limiting the number of appeals he can make. I feel like my case should have been flagged up, given the number of times he's falsely appealed - the staff should know not to take anything he says at face value. Instead, I've had staff tell me off for getting upset during phone calls, and ignoring that this has become a form of abuse in itself."

Minimum payments

Lack of proper enforcement of child maintenance is an endemic problem and stems from structural imbalances in power between receiving and paying parents. Surviving Economic

Abuse (SEA)'s *The Cost of Covid-19* report⁷ found that 84% of women were worried about their access to child maintenance payments as a result of the perpetrator's actions during the pandemic. 22% of women reported that the perpetrator had stopped paying and 20% said that the perpetrator had paid less.

It is crucial during the current cost-of-living crisis, which is compounding the impact of Covid, that victim-survivors who are missing out on child maintenance payments to which they are entitled are better supported. 61% of single parents told Gingerbread⁸ they are worried about paying rent or mortgage and many are going without food or other essentials in order to provide for their children. Research by One Parent Families Scotland identified similar experiences, with three in five single parents saying they were finding it either extremely difficult to afford or could no longer afford electricity, while 58.1% said the same about gas, and 43.7% said the same about food.⁹

We repeat the call made in SEA's report¹⁰ that the government must support victim-survivors of domestic and economic abuse and their children by making minimum child maintenance payments to them where the paying parent fails to pay, in order to prevent them from sliding into (further) poverty as a result. These can then be recovered through enforcement action.

Recommendations

- A requirement for statutory guidance to set out the training that staff within the CMS will receive on domestic abuse, including economic abuse. We would be happy to draft an amendment to put this in place.
- At a minimum, receiving parents who are domestic abuse survivors should be exempt from the Collect and Pay charges.
- DWP to introduce a system of making minimum payments to the receiving parent who has experienced domestic and economic abuse, when the paying parent fails to pay.
- Government to update on progress related to the Independent Review of the Child Maintenance Service (CMS) Response to Domestic Abuse (Callan Review).

⁷ [Surviving Economic Abuse \(2012\). *The Cost of Covid-19: Economic abuse throughout the pandemic.*](#)

⁸ <https://www.gingerbread.org.uk/what-we-do/news/gingerbread-survey-shows-cost-of-living-crisis-is-forcing-single-parent-families-to-go-hungry-to-make-ends-meet/#:~:text=Gingerbread%20survey%20shows%20%E2%80%98cost-of-living%20crisis%E2%80%99%20is%20forcing%20single,hard%20to%20bear%20for%20many%20on%20low%20incomes.>

⁹ [One Parent Families Scotland \(2022\). *Living without a Lifeline: Single parenting and the cost of living crisis.*](#)

¹⁰ See reference 7.

Gingerbread and One Parent Families Scotland took over the Secretariat of the APPG on the Child Maintenance Service in April 2023.

ABOUT GINGERBREAD

Gingerbread the leading national charity working with single parent families in England and Wales. Since 1918, Gingerbread has been at the forefront of shaping policy and services that support single parents. Gingerbread campaigns against poverty, disadvantage and stigma to promote fair and equal treatment and opportunity for single parents and their families.

CONTACT: campaign@gingerbread.org.uk

Gingerbread, the charity for single parent families, is registered in England and Wales as a company limited by guarantee, no. 402748, and a registered charity, no. 230750.

ABOUT ONE PARENT FAMILIES SCOTLAND

One Parent Families Scotland (OPFS) is the leading charity working with single parent families in Scotland. OPFS provides expert information, advice, and family support for families, along with training activities, employability programmes and flexible childcare. OPFS campaigns with parents to make their voices heard to change the systems, policies and attitudes that disadvantage single parent families.

CONTACT: policy@opfs.org.uk

One Parent Families Scotland is a charitable company limited by guarantee. Registered at Edinburgh under number 94860. Scottish Charity Number: SC006403.