

Child maintenance: Changes to the Child Support Agency case closure programme's transition period

Public consultation

August 2017

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Introduction

This consultation is to draw to your attention to a proposal to change the date by which all liabilities in existing Child Support Agency (CSA) cases must be ended, and provide an opportunity for you to comment on this should you choose to do so.

Scope of consultation

This consultation applies to England, Wales and Scotland.

Duration of the consultation

The consultation period begins on 3 August 2017 and runs until 14 September 2017.

Proposal

The CSA case closure programme commenced in June 2014 following the introduction of a new statutory child maintenance scheme administered by the Child Maintenance Service (CMS). One of the objectives of this programme is to end all existing liabilities on the two CSA legacy schemes, a process which is governed by regulations¹.

These regulations specify that certain aspects of the case closure process be specified in a scheme. In line with this, the Ending Liability scheme ('the Scheme') sets out the general principles in relation to how and in which order cases will be selected for closure and provides information for those who wish to apply to the CMS.

The overarching principle of the case closure process is to minimise the risk of disruption to payment of child maintenance in existing cases, particularly where maintenance is flowing as a result of enforcement action. To achieve this cases are being closed in five 'segments' starting with those where no money is flowing, then moving on to cases where money was flowing, with cases which are subject to enforcement procedures left until the end of the process.

When a case is selected for closure both the Parent With Care (PWC) and the Non-Resident Parent (NRP) are given six months' notice in writing of the date on which their existing CSA liability will end and advising them to contact the CM Options service to discuss their future maintenance arrangements, which may be an application to the CMS or a Family Based Arrangement. The selection process began in June 2014 and we commenced selection of the final segment in September 2016.

The Scheme specifies that the Secretary of State must end the liabilities in existing CSA cases within a specified 'transition period'. An exception to this is cases where the youngest or only child on the case turns 20 before the transition period end date. These cases will be allowed to come to a natural end to minimise disruption for clients.

The current version of the Scheme, a copy of which is available alongside this consultation document, specifies that the date on which the transition period will end is 31 December 2017. Due to the large number of cases with liabilities to end, the Scheme allows for certain aspects of the process to be varied to ensure the efficient use of resources. This includes extending the transition period.

The re-deployment of staff to support other Departmental priorities, such as the roll out of Universal Credit, has led to an unavoidable delay in operational delivery of the case closure programme. This means we are proposing to amend the current transition period end date to the 31 December 2018.

¹The Child Support (Ending Liabilities in Existing Cases and Transition to New Calculation Rules) Regulations 2014 <http://www.legislation.gov.uk/ukxi/2014/614/contents/made>

In making this change we do not propose to exempt from case closure any cases where the youngest or only child turns 20 on or before the new transition period end date.

Doing this will allow us to achieve our stated aim of ending all existing CSA liabilities in a way that allows for the best use of available resource, while minimising the impact on clients.

Please let us know before 14 September 2017 if you have any comments about this proposal.

We have provided some questions and answers below, regarding this proposed change. Please also let us know if you have any additional questions.

The current version of the Ending Liability scheme can be found here https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/399522/child-maintenance-ending-liability-scheme-17-dec-2014.pdf

Questions and Answers

How will clients be affected by this proposal?

The impact of the delay on clients will be minimal, as based on our current plans there are only 42,000 cases where liability will not be ended by the end of 2017, compared to 737,000 that will have been ended within the originally planned timescale².

By extending the transition period that means that there will be clients with a CSA liability for longer than originally intended. This means they would need to wait longer to apply to the CMS, if that is what they wish to do. There will be little or no material impact on these clients on the basis that their maintenance liability on a CMS case is likely to be broadly similar to their existing CSA liability.

A proportion of cases will be those where the last or only child will turn 20 during 2018. As we do not propose to remove these from the case closure process, this means they will be treated differently from similar cases in the past. However the actual experience of these clients will be the same, as under the current arrangement they would not be exempt from the case closure process.

² This figure of 42,000 represents cases not yet selected at the end of June 2017, therefore not due to complete the 6-month case closure journey and end liability by end 2017. This is equivalent to the information in Table 2.1 of Child Support Agency Case closure statistics, <https://www.gov.uk/government/statistics/child-support-agency-case-closures-june-2014-to-march-2017>, updated to the end June 2017 position.

What about cases that have already closed?

We do not propose to take any action to change cases where liability has already ended.

Will the process of 'financial transition' take longer as a result of this change?

Once the liability has ended on a CSA case work is done to stabilise any existing debt balance and transfer it to the CMS, a process known as financial transition. The timetable for this part of the case closure programme will not be affected by these proposals

What is the rationale for the date you have chosen?

This date was chosen based on the resource available, and will allow for sufficient time to complete the necessary work as well as provide a period of contingency.

How would the changes be made?

We would amend the existing version of the Scheme to include the proposed changes. This is then signed by the responsible minister, with the changes coming into effect from the day the document is signed.

Please send your comments to:

CHILDMAINTENANCE.POLICY@DWP.GSI.GOV.UK

Please ensure your response reaches us by Thursday 14 September 2017.

When responding, please state whether you are doing so as an individual or representing the views of an organisation. If you are responding on behalf of an organisation, please make it clear who the organisation represents, and where applicable, how the views of members were assembled.

Freedom of information

The information you send us may need to be passed to colleagues within the Department for Work and Pensions.

All information contained in your response, including personal information, may be subject to publication or disclosure if requested under the Freedom of Information Act 2000. By providing personal information for the purposes of the public consultation exercise, it is understood that you consent to its disclosure and publication. If this is not the case, you should limit any personal information provided, or remove it completely. If you want the information in your response to the consultation to be kept confidential, you should explain why as part of your response, although we cannot guarantee to do this.

To find out more about the general principles of Freedom of Information and how it is applied within DWP, please contact:

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