

THE CSA SURVIVAL GUIDE

How to pay fair and reasonable child maintenance. A compendium of facts, advice and information that's all designed to help you steer your way through the worst excesses of the Child Support Agency

We believe that any child support scheme must...

- Have at its heart the interests of children
- Minimise the intervention of the state into people's lives
- Encourage parents to sort out their own affairs
- Respect existing and satisfactory arrangements between parents
- Be simple to understand and straightforward to administer
- Be fair and equitable to those affected
- Properly safeguard the interests of the taxpayer
- Concern itself only with the support of children
- Reflect the responsibility of both parents to maintain their children

The CSA fails the above criteria on almost every count.

"I know no method to secure the repeal of bad or obnoxious laws so effective as their stringent execution."

(Ulysses S. Grant, Inaugural Address, 4 March 1869)

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Help us, and help yourself

The *CSA Survival Guide* is a compendium of advice and information collected from groups and individuals all over Britain. Every effort has been made to check and verify the contents. However, NACSA cannot guarantee its accuracy, usefulness or even legality and reminds readers that any decision to make use of the information is theirs alone. Things change quickly and every case is different. If in doubt, consult an advisor.

W e l c o m e

Welcome to the 1997 CSA Survival Guide, compiled by members of Britain's (renamed) 'National Association for Child Support Action' (NACSA).

NACSA exists to give shelter and hope to the tens of thousands of men, women and children whose lives are being affected by the gross insensitivity of the Child Support Act and the incompetence of those who administer it. It helps *ALL* parents affected by this pernicious Act and offers friendship and advice to those who have nowhere else to go.

Many of those affected stay close to the drip feed of support that NACSA offers. A few devote much of their leisure time to helping victims at grass roots level and lobbying MPs and the national and regional media.

In short, NACSA thrives and survives on the energy of those who it seeks to help, their efforts focused and communicated through its magazine, *NACSA News*.

NACSA is a voluntary organisation and pressure on both time and telephone bills is enormous. We depend on our magazine for income. *NACSA News* links campaigning activities across the country and it's vital that everyone involved read it on a regular basis. We are also on the internet and have links with similar organisations around the world.

The CSA Survival Guide is not a wonder drug... a pill that, once popped, will banish the CSA from this world forever. It's a starting point, but hopefully one that will help iron out common misconceptions and point those suffering under the CSA towards ways in which they may be able to improve their situation.

Much of the advice given is based on experience but little is guaranteed. The Child Support Act is complex and sometimes Agency staff can be both deceitful and incompetent, misinterpreting regulations and 'moving goalposts' on a regular basis. On the other hand, complication and confusion are a two-edged sword and NACSA co-ordinators are quick to make capital out of the loopholes created by excessively complex legislation.

Read the Survival Guide from cover to cover. Examine, criticise and digest. Suggest improvements. Don't just use it to fight for yourself, fight for others too. If there isn't a group in your area, start one (we tell you how). Above all GET INVOLVED. The same anger that killed off the Poll Tax *WILL* get rid of the CSA.

The CSA Survival Guide Editors

START HERE

Your short guide to the Act, the Agency and NACSA

WHAT IS THE ACT?

Under the label of children coming first, the real aim of the Child Support Act is to allow government to claw back benefits against child maintenance payments made by second families. It replaces the system of Court Orders and voluntary payments with a harsh formula that often reduces first and second families to near poverty.

THE ACT...

DENIES US OUR HUMAN RIGHTS

Big Brother has arrived. Junior staff in the CSA remorselessly intrude into the most private and personal areas of our lives.

DUMPS AGREEMENTS

The Act seeks to replace ALL legally binding maintenance agreements made in the past, even those where ex-partners are quite happy with the status quo.

REMOVES CONSTITUTIONAL RIGHTS

It denies parents access to the courts (which, unlike the CSA, considered ALL relevant factors when assessing maintenance) and passes power from a legally constituted body into the hands of untrained junior civil servants.

IS A TAX, NOT MAINTENANCE

Despite government attempts to disguise the fact, it fails to ensure that maintenance paid goes to the children: indeed, most in effect goes straight to the Treasury.

ATTACKS FATHERS

It erodes men's rights over children and reduces their role to providers of cash. Its crippling financial demands often prevent 'absent' parents from starting a new life.

IMPOVERISHES MOTHERS

Once a mother is receiving maintenance as opposed to benefit, there is every chance she will lose passported benefits (e.g. help with council tax, housing benefit, dental treatment, and prescriptions).

DESTROYS CHILDREN'S SECURITY

The Act causes great hardship and stress, undermining relationships between children and parents. Unlike benefits, maintenance payments can be unreliable and the Benefits Agency can take weeks to step in to save a struggling family.

IS BROADLY CONDEMNED

The Act has been shunned by such respected bodies as Citizens Advice, the Law Society, Child Poverty Action, many key children's charities, local authorities and most trades unions.

IS CORRUPT

The Child Support Act is built around a computer system designed by American

company EDS. So poor is the system it's now to be replaced at enormous public expense. By the way, did you know Mark Thatcher was working for EDS at the time the legislation was being drawn up?

WHAT IS THE AGENCY?

This is the semi-autonomous 'Next Steps' Agency set up by the government to implement the Child Support Act and to relieve you of the worry of how to spend your hard-earned cash.

THE AGENCY IS...

LINKED TO OVER 45 DEATHS

The Child Support Agency has driven citizens into taking both their own and other people's lives. Coroners have confirmed the CSA link in many suicide cases and CSA centres now employ 'suicide managers' to cope with the aftermath.

PROFIT LED

The principal job of Agency staff is to maximise income for the Treasury and they are motivated towards that aim by financial incentives.

CHASING SOFT TARGETS

Agency staff concentrate on the targets they feel are worth chasing... those who are reliably paying already. "Don't bother with non-profitable stuff... maximising the yield is the name of the game," as they say in their internal memoranda.

CRASS AND UNCARING

CSA staff aren't trained to handle the complexities of people's lives and won't listen to your story. Their goal is simply to apply a rigid formula and earn commission.

INCOMPETENT AND DECEITFUL

CSA staff frequently get their sums wrong and change assessments with the wind. Government reports confirm that a third of all assessments are still incorrect.

TELLING LIES

The Agency moves goal posts on an on-going basis and targets are adjusted downwards to give the impression of progress. Savings claimed by the government are based on dubious accounting.

HARASSING 'CLIENTS'

Staff from the CSA will often harass you over the phone, both at home and at work.

COERCING SINGLE MOTHERS

CSA staff almost always intimate to parents on benefit that they will lose ALL their benefits if they fail to comply with Agency demands. This threat is untrue.

FAILING VISIBLY

The CSA has proved incapable of handling its workload or reaching its targets and staff are often demoralised

and incompetent. It is uneconomic and replacing the old system with the CSA has so far cost taxpayers over £1.5 billion.

WHAT IS NACSA?

Britain's (renamed) National Association for Child Support Action (NACSA) was formed on 18 September 1993 to co-ordinate the huge public outcry against the CSA.

NACSA IS...

AN UMBRELLA ORGANISATION

It takes groups of many different persuasions under its 'canopy' and its one over-riding aim is the scrapping of the Child Support Act. There are many women members... this is NOT just a men's issue.

COMMITTED TO FAIR MAINTENANCE

NACSA represents the coming together of tens of thousands of ordinary men and women who want a system of child maintenance that is simple, straightforward and fair to everyone involved. We believe the state should not interfere in people's private lives and that parents should be encouraged to sort out their own affairs.

DETERMINED TO KILL THE ACT

We are determined to have this Act scrapped. We are ordinary decent people who love our children and will not be beaten into submission by a heartless instrument of the State.

HOW NACSA HELPS

NACSA has a recognised track record of success and our name is frequently raised in Parliament. We have forced changes in the law and regularly give advice on CSA matters to ministers, MPs, the ombudsman, the CSA, other pressure groups, unions, local politicians, welfare rights advisors and Citizens Advice Bureaux.

NACSA WILL:

RELIEVE YOUR DISTRESS

The effects of the CSA are traumatic and the best therapy is to talk to others in the same boat. Many of us have been through the whole range of CSA-related horrors and our experience is available for your use. We have ways of delaying, confusing and frustrating the CSA demon.

HELP YOU FIGHT

The CSA represents one of the biggest threats to democracy and personal liberty this country has ever seen. Ordinary people fought the Poll Tax and saw it off. That same fighting spirit will get rid of the Child Support Act and Agency. ■

OVERVIEW

The CSA basics you need to know

THE FORMULA

The formula for calculating child support is a rigid one. It is based on Income Support rates (whether or not the parent is on Income Support). It takes into account all income earned in the 'absent' parent's new home while more or less ignoring that of the parent 'with care'. It also ignores many of the major expenses that are incurred in our ordinary day-to-day life, such as bank loans, full cost of travel to work and all it takes to keep your car on the road.

ASSESSMENTS

The CSA is able to apply a number of different types of assessment. Where full information has been provided, the 'client' receives a Full Maintenance Assessment. Where the CSA believes information has been deliberately withheld it will apply an Interim Maintenance Assessment – a swingeing amount that is somewhat akin to emergency tax. There are others and all are dealt with later in this Guide.

The maximum amount they can assess you for is 30 per cent of net income. However, where there are arrears the CSA can take a further 10 per cent. It is therefore by no means unusual to lose 40 per cent of your net wage to the CSA. However, it's in fact possible to lose 100 per cent of your income if the CSA impose a deduction order (see below) against an interim (emergency) assessment, and this can and does happen – of course with disastrous results.

DEDUCTION ORDERS

Deduction of Earnings Orders (DEOs) are a punitive device that the CSA is supposed to use as a last resort and involves removing money at source from the 'absent' parent's wages. CSA revenues have never achieved the levels hoped for and DEOs provide much-needed income. Often therefore they are issued without warning at almost the same time assessments are made, contrary to CSA regulations.

DEPARTURES

An additional Child Support Act created in 1995 in theory allows the Agency the discretion to take into account special circumstances which the standard formula does not allow for. However, the decision

The Child Support Agency was created to enforce the Child Support Act 1991, which came into being on 5 April 1993. The Agency's stated role is to pursue what it terms 'absent' parents for payment of child maintenance. It's unstated role is to enrich the Treasury, having the 'absent' parent support the parent 'with care' as well as the child and ensuring that 'child' maintenance is deducted pound for pound from lone parent benefit. The CSA is able to collect this maintenance, whether or not the parent 'with care' is on benefit.

whether or not to depart from the formula is made entirely at the discretion of officials working for the Child Support Agency.

The scheme went live in December 1996 but by June 1997 CSA reports were confirming that only a tiny proportion of applicants were actually being allowed departures of any kind.

REVIEWS

If you disagree with a decision of the Child Support Agency you have the right to ask for a review. Your request for a review has to be made within 28 days of the date of the officer's decision and any new assessment should in theory be backdated to the time when the CSA made the original decision.

You have the right to challenge ongoing assessments at any point and to ask for a review. You should also ask for a review if you believe there has been a

change of circumstances which may result in a change in the assessment calculation.

In fact the CSA will *NOT* alter an assessment unless the final amount payable changes by at least £10 a week and even then it's highly unlikely they will do anything, unless it works in their favour.

TRIBUNALS

If you disagree with the outcome of a review you have the right to apply to a Child Support Appeal Tribunal (CSAT). Your appeal must be made to the Central Office of CSATs within 28 days of receiving the review decision.

The CSAT is an independent body which can look afresh at the case. It is bound by the same Acts and Regulations which the CSA use in calculating child maintenance. The CSAT role is to look at all the facts which surround a case and ensure that the law has been interpreted correctly.

CSATs often overturn decisions made by CSA officers and for that reason, the government is likely soon to remove its independence and therefore reduce its effectiveness.

ARREARS

The onus on the 'absent' parent to start paying begins two days after receipt of the Maintenance Enquiry Form. It can take many months (sometimes a year or more) for the CSA to carry out an assessment and during that time the arrears will be building up – the weekly or monthly amount being based on the eventual level of the assessment. It is not unusual for arrears in the order of £10,000 to accrue, especially in cases where the CSA claims non-compliance and an Interim Assessment is applied.

CLAIMING COMPENSATION

Parents who feel they have suffered financial loss or extreme distress (perhaps resulting in a medically recognised condition) due to a proven incorrect assessment by the CSA can apply for compensation.

(Note: NACSA helplines reveal that over 80 per cent of all callers are claiming to have sought medical help as a result of the CSA entering their lives.) ■

(With thanks to 'Male Advice Line and Enquiries')

SELF HELP

The tactics and techniques of CSA survival

What makes **YOU** a CSA Case?

What triggers the CSA

Action by the CSA is triggered in one of two ways. Either a parent 'with care' or their new partner goes on benefit and claims one of the qualifying benefits, or newly separated parents ask the CSA to arrange maintenance on their behalf.

Except in certain circumstances where it might be possible to make a global order under the auspices of the Court, it is not now possible for the Courts to make an order for child maintenance. The security provided by that system has been removed with the introduction of the CSA. Parents with care of child(ren) who are 'clients' of the CSA cannot be guaranteed to receive their child maintenance in the way they are guaranteed to receive their benefits.

Benefit cases

Parents with care of child(ren) who are receiving or making a claim for a proscribed benefit – Income Support (IS), Family Credit (FC) or Disability Working Allowance (DWA) – will be contacted by the CSA and told they must co-operate and authorise the Agency to assess and collect child maintenance. This is covered by Section 6 of the Child Support Act 1991. It is worth noting that *ANYONE* caring for a child, whether or not they are the parent, may be told they are required to co-operate with the CSA.

The CSA's definition of a parent 'with care' is the parent (or person) who holds the Child Benefit book, regardless of the number of nights that a child may or may not stay with the 'absent' parent. It is possible for a parent with full-time care of a child to be deemed the 'absent' parent.

Non benefit cases

A parent with care of child(ren) who is not in receipt of a proscribed benefit and who does not have a current court order for child maintenance can apply to the CSA to assess maintenance. Indeed both parents who have recently separated can request the CSA to assess maintenance. (Those with experience of the CSA would call this madness!)

Few of us knew what campaigning was when all this began. Most complied with the diktats of officialdom without thinking, never feeling the need to be devious or obstructive; there were better things in life to think about.

The Child Support Agency and their Tory masters changed all that, turning perfectly reasonable men and women into pocket revolutionaries.

As a result, many have had to learn techniques for removing the worst excesses of the CSA from their lives.

Whether or not you do follow suit is *YOUR* decision. But if you do, remember NACSA's bottom line is that *ALL* parents should support their child(ren) to the best of their ability.

There is no other option. Kids suffer under the CSA as much as anyone else – in some cases more – and it's our job as parents to minimise its impact on their lives.

Pre-April 1993 cases

A parent with care of child(ren) who is not in receipt of a proscribed benefit and who has a current court order for child maintenance cannot request the CSA to act on her behalf. It was originally intended that such cases would be taken on by the CSA in 1996/7. However the previous Tory government indefinitely postponed this extension of the CSA for two reasons:

(1) it would have been political suicide to involve large numbers of happily divorced parents who would invariably be middle class Tory supporters, and

(2) considering the CSA were (and still are) in financial and administrative chaos with the relatively small number of cases they are handling at present (compared to the total number of separated/divorced parents) then to bring thousands more cases on board would be pure folly.

Responding to CSA Forms

Initial contact

The parent with care of child(ren) who is in receipt of a proscribed benefit will be sent a letter from the CSA saying she will be required to complete and sign a Maintenance Application Form (MAF); she will be asked to confirm she has no reason for refusing. The letter is couched in double negatives and is deliberately designed to confuse the unwary. Despite the impression given that she has little option but to sign, in fact she *CAN* refuse. Those who *DO* want to refuse are advised to read the letter carefully before giving their decision.

Those who refuse without reason are likely to lose 40 per cent (currently £19.66) of their lone parent benefit; some 'absent' parents have been known to make this up if it means keeping the CSA out of their lives. Those who refuse, claiming 'good cause', may find they escape the clutches of the CSA without penalty.

The Maintenance Application Form (MAF)

The parent 'with care' who has given authority in the above letter for the CSA to act will then receive a MAF. Even at this stage it is possible to withhold authority by refusing to complete and sign the form.

Support your kids...

Alternatively, it is possible in relevant cases to complete and sign the form but be unable to name the father. This also has the effect of stopping the case in its tracks.

The Maintenance Enquiry Form (MEF)

Once the parent with care of the child(ren) has given authority for the CSA to act, the 'absent' parent will automatically be sent a MEF. This form must in theory be completed, signed and returned within the prescribed period. You may, however, need to gain some time.

Delaying return of the MEF

The following may have the effect of slowing things down a bit:

- (1) You forget to complete it; in 14 days or so you receive a reminder and so bad is your amnesia you may write back to ask "what form?"
- (2) It is your right to be able to ask short, sensible questions about parts of the form you do not understand.
- (3) If the child(ren)'s details are wrong in any way – incorrect spelling, wrong birth dates etc. – you can return the forms saying that you do not recognise the child(ren) mentioned. You are not obliged to tell them what is wrong.
- (4) Someone writes or telephones the CSA on your behalf, explaining that you are away on business / holiday and little can be done until your return. They give the date you will be back
- (5) You've moved to another address and someone has returned the form unopened, emblazoned with the words 'Gone Away' or 'Not known at this address'.
- (6) You ask for an extension because of the unavailability of certain information – e.g. mortgage statements, wage slips, insurance policy details, and so on.
- (7) Some forget to complete the original form and when the reminder arrives are so confused they write back saying they have already returned the MEF in the prepaid envelope. Forgetfully they say they are concerned about the wage slips and other original documentation they enclosed and demand an acknowledgement of receipt and their return within 14 days. When the documents fail to come back, in their confusion they have even been known to complain officially to the customer services manager and their MP, pointing out that it will take some time to

replace the documentation and the CSA will have to bear the cost.

(8) Others, when they *HAVE* completed the form, tick all the enclosure boxes at the end but somehow forget to include some of the documents. When the CSA write back asking for the missing items they sometimes remain convinced that these were enclosed in the original envelope.

Delay equals arrears

But... if you do not have an existing court order, delay will almost certainly add further arrears to those you have already accumulated as a result of the Agency's normal inefficiency. And remember, the arrears clock starts 'ticking' two days after they send out the MEF.

Filling in your MEF

At some point you will probably have to complete your MEF. There are some important do's and don'ts:

(1) Complete the NACSA Self Assessment Calculator that comes with this Guide prior to filling in the form and discover what your assessment is likely to be (remember, very few CSA assessments are correct in every way, so you need to know). If it turns out the CSA's figure is significantly different to yours, you have immediate grounds for an appeal.

Importantly, however, it will tell you *NOW* what the assessment is likely to be. **If it's what you can afford and are happy with – go with it. If it's LESS than you want to pay, go with it and give your child the difference direct. If it's MORE than you can afford, you'll need to start making plans.**

(2) Many new partners refuse point blank to pass on their details to the CSA. However, this can affect the type of assessment you receive. Use the Self Assessment Calculator again, this time to find out whether the inclusion of a new partner's wage has any affect on the final assessment figure. If it doesn't there is no problem... the CSA will give you an Interim 'B' Assessment but you already know it's no more than a Full Assessment.

If, however, the Calculator shows your assessment going up, then it may be that she walks out on you in disgust at the whole business and you are effectively separated at the time the form is being completed. Hopefully she will soon return – perhaps after the form has been posted.

(3) Don't give either your home or

business telephone numbers on the MEF and thus avoid the possibility of the agency harassing you on an on-going basis.

(4) Insist that they communicate only by letter. This has two effects: (a) you will have time to consider your response to any CSA communication and (b) it will delay the process without penalty.

(5) Don't include any bank account numbers and pay your assessment via the Post Office Giro system. Do *NOT* opt to pay by Direct Debit... the CSA has developed the habit of increasing payments without notification.

(6) Two things have more impact on the size of your assessment than anything else... income and housing costs. You may decide to delay things a little (see earlier) in order to have time to adjust your situation before completing that section of the MEF.

(7) The CSA will tell you to enclose original documents only. However, these frequently get lost and all too often the CSA then deny any knowledge of receiving them. One way round this is to take the documents and form to your local DSS office and ask them to fax the whole lot to the relevant centre as 'certified copies' – which *WILL* be accepted. This will not only ensure you retain the original documents, it also means the DSS/CSA have to foot the bill for sending them. It's handy too when time is running short. When they've done it, ask for written confirmation that the faxing has taken place – timed and dated.

(8) Finally... if you are using the postal system, *ALWAYS* mail packages by Recorded Delivery and *ALWAYS* keep a photocopy of everything you send.

Types of Assessment

Category 'A' (Interim) Assessment

Where there is insufficient information to make an assessment a Child Support Officer (CSO) has the power to make a Category 'A' Interim Assessment. The Category 'A' is set at one-and-a-half times the maintenance requirement (as defined by the level of benefit received by the parent 'with care') and is generally applied when the 'absent' parent has failed to comply with CSA requests to supply all the information required, and/or

...as best you can

complete the form.

Category 'B' Assessment

A Category 'B' Assessment is applied when an 'absent' parent fails to provide full information on the income coming into the new household (for instance a new partner's wage). When a Category 'B' Assessment is applied, the part of the formula that ensures a specified level of protected income for the new family is omitted. In many cases, this will make no difference whatsoever to the final assessment and therefore you can safely ignore the threats of CSA staff. You can easily find out by using the NACSA Self Assessment Calculator that comes with this Guide.

Category 'C' Assessment

A Category 'C' Assessment applies to self employed people only when an 'absent' parent is unable to supply details of income (perhaps because he hasn't been self employed long enough to have annual records) but will be able to supply the relevant information in the future. A Category 'C' Assessment is currently £30 per week. It's no surprise that many people affected by the CSA are turning to self employment as a way of ensuring their financial survival.

Category 'D' Assessment

A Category 'D' Assessment is applied when a CSO thinks that by accepting a Category 'A' Interim Assessment the (usually wealthy) 'absent' parent will be better off than the Government thinks he has any right to be. In a Category 'D' Assessment the formula is applied but no allowance is given for housing costs in exempt income and no protected income calculations are done.

Full Assessment

What the CSA would like us all to have... and the end result of having completed every question on the form to their satisfaction and having included all requested documentation.

Re-Assessment

When the CSA began operations they intended to re-assess all cases on an annual basis. This was sensible because, as we all know, family circumstances can change frequently and hardship can be caused if new factors are ignored.

However, failure to satisfactorily administer the workload they already had meant the period was soon extended to two years (from the date of the original assessment).

When you know a re-assessment is due, it may be wise to examine the likely outcome well in advance. Those who realise they simply won't be able to afford the CSA's demands usually begin making plans up to four months ahead of time. They understand that high housing costs and low income are important factors in ensuring a lower assessment, and there are others. The various ways that some people prepare the ground are reported later.

Remember, however, that the CSA CAN re-assess you at other times too, for instance if triggered by the parent 'with care'.

Change of circumstances (down)

CSA regulations say if there are big financial changes in your life, apply immediately for a Section 17 review. However, rules also say you will only get re-assessed if the major shift in circumstances has the effect of changing the amount you pay by more than £10 per week.

In reality, the Agency will try to ignore any downward changes of any size, even when asked to act by a tribunal. But... persistence will sometimes bring results, especially when an MP gets involved because that's when you become a priority case. However, it's not unusual for the CSA to take anything up to 18 months to process a review and meanwhile you will be expected to pay at the old rate.

Also try contacting your local field office (you can normally make an appointment to see a field officer within 48 hours). Show proof of your change of circumstances and insist they take a statement. You may even be able to negotiate a lower payment while your review is being carried out, but unlikely. Normally the CSA will expect you to continue paying at the existing rate – whether or not you have the resources.

In short, anything is worth trying but don't ever rely on the CSA to help.

Change of circumstances (up)

Sometimes things will have changed for the better in your financial life, in which case the CSA will expect you to keep them fully informed; they will always find time

to *INCREASE* your assessment. Two things have been known to happen here: (1) People send the information but somehow it gets lost in the post; (2) They send it to the CSA by Recorded Delivery but somehow forget to include the contents; they do however have the necessary receipt to show that the letter was mailed.

Non-compliance with re-assessment

Those who know that their new assessment will be more than they can afford often get so upset that they inadvertently use one of the delaying procedures. That has the effect of providing sufficient breathing space for them to be able to make a change in their personal circumstances... one that makes their new CSA assessment affordable.

Note The CSA will not want to hear about up-coming changes in circumstances; they are only interested in those that have already taken place.

Life-Saving Manoeuvres

YOUR EX PARTNER

When the 'absent' parent first receives correspondence from the CSA, it's easy to jump to the conclusion that the 'ex has done it out of spite'. In our experience that isn't necessarily the case. Indeed NACSA would always advise parents to try putting aside personal grievances and acrimony and instead work together for the benefit of their child(ren).

If the parent 'with care' is on benefit, CSA staff may deliberately mislead her into signing the Maintenance Application Form (MAF). They've even been known to complete the MAF on her behalf and then insist she signs it. She will probably be told that if she doesn't sign she will lose her benefit (whereas in fact the worst they can do is apply a Reduced Benefit Directive that removes 40 per cent – £19.66 – from her weekly Income Support). Rarely is she told of the actual reduction in benefit if she doesn't sign.

It may well be that she never wanted anything to do with the CSA in the first place; certainly she'll be mortified when she discovers she's worse off as a result (through loss of such 'passported'

Avoiding child maintenance...

benefits as help with mortgage interest, Council Tax, rent and so on). You may find she'll be only too delighted to dump the CSA and instead come to a private agreement about child maintenance.

Parent with care refuses to sign the MAF

The CSA can be convinced that there is 'good cause' for not proceeding with the case because to do so might have a detrimental affect on the child(ren). The bottom line is that the parent 'with care' must have a story that is believable and consistent and it's worth noting that the 'absent' parent must not be seen to be contributing to her case.

Withdrawal of authority

Essentially the same situation as above except here the 'ex' has signed the MAF and is now trying to withdraw her authority on the grounds of 'good cause'. It's not as simple for her to pull out once she's signed as it is to refuse signature in the first place. As in most situations, it's advisable to get an MP involved at an early stage.

Inability to name the father

We heard of one ex-partner who claimed to have done the rounds of many dubious parties (or was it a Club Med holiday?). It turned out the father could have been any one of a dozen or more men. She tried to be helpful by supplying a long list of possible names – and addresses where she had them. It was so hard. She couldn't be sure exactly who the father was. Of course she was keen to co-operate, but it was so embarrassing...

The reconciliation

It's always good when parents reunite, in which case the parent 'with care' stops claiming a proscribed benefit and instructs the CSA to go away. Unfortunately, reconciliations don't always last and sometimes, after receiving confirmation from the Secretary of State that the case is closed, the split re-opens and she goes back on benefit. The parent 'with care' is then required to sign a new MAF but is sometimes reluctant to do so.

Arrears for the period of reconciliation can then be a problem. However, a letter from the parent 'with care' confirming that the 'absent' parent has provided goods (e.g. clothes, household items, etc.) can reduce or remove most of the arrears with

the help of a Member of Parliament.

- Note that the CSA waits six months for a reconciliation to prove itself permanent. If yours took place some months ago, that won't be a problem.

Splitting from your new partner

A NACSA member we know has no contact with the child(ren) of his first partner. He also had children with his second partner but, sadly, the new relationship has broken down as well. So he's moved to a new address and his 'latest ex' has gone to the CSA as a private case to claim against him.

So now he's paying maintenance money for the children of both families and the amount he's paying his original ex partner is considerably reduced. He seems happy with the arrangement.

CONTROLLING YOUR SALARY

Losing the extras

Many of us earn irregular sums of money at certain times of the year... particularly in the Christmas period when people sometimes work very long hours so as to bring home more for the festive season.

If you send the CSA a wage slip containing an unusual amount of bonus money, overtime, commission and so on, they will almost certainly seize on that one slip and use it as the basis of your assessment. In most cases, no amount of pleading will make any difference and you might easily spend the next year or more trying to get a huge assessment changed.

The answer is to try and make sure that nothing unusual is added to your payslip in the two-month period leading up to your assessment. And if there is a problem of this kind, then you may find yourself introducing some delay into the proceedings, thus replacing the slip with one that is more normal.

Redundancy strikes

A man was made redundant and he went down to the DSS to sign on (which signalled to the CSA that his circumstances had dramatically changed and therefore they had to do something). Fortunately he didn't have to claim anything because the same company was able to offer him another job almost straight away. He now earns considerably less than he did before, but a job is a job. His new

partner managed to get some casual work from the same company and coincidentally the amount she earns makes up the difference in his take home pay.

The company car, etc.

Another man phoned the taxman to say he was about to receive a BMW 740i company car, which he was not going to use on company business. He insisted that his tax code be altered immediately to reflect the change. His take home pay dropped like a stone and he used these wage slips for his CSA assessment. But shortly after the assessment arrived he had to phone the taxman to report that the car had fallen through. He got a rebate for the extra money they took and his code went back to where it was.

Someone else we know was convinced that the company was about to give him medical insurance as a part of his package. Again, he asked the taxman for a change of code.

NACSA is informed that if these people had waited a year before requesting their money back from the taxman, they could have claimed interest at 4.5 per cent. You have a full six years to make your claim and indeed it's possible to see 'banking with the taxman' as a realistic (if unusual) form of savings plan!

Going self employed

A father reduced his apparent income by going self employed. Obviously for most people on PAYE this is not an option but in many occupations, working for yourself is quite common. He had an existing assessment so he first signed on (without claiming) in order to alert the CSA to a change of circumstances.

For self employed people, evidence of earnings is shown by the financial performance of the business. The CSA insist on seeing a profit/loss account covering at least six months. However because this chap's self employment had only just begun, the minimum six months profit/loss account did not exist. He told them it would definitely be available in due course.

Consequently the CSA issued an Interim 'C' Assessment of £30 a week pending the arrival of his six months profit & loss account. In the meantime he managed to control his income and therefore minimised the impact of the full CSA assessment.

Historically, self employment has

...is not an option

created enormous difficulties for the CSA and hence generated a disproportionate amount of work. In our experience self employed people who appear to be co-operating can often receive minimal assessments and end up being largely ignored by the CSA.

Once you are safely self employed you'll probably be able to keep your earnings looking respectable, if not excessive.

Company loan

Two months before a CSA victim was due an assessment (it could have been a reassessment) he decided to approach his company for a loan; he said it was for a month's salary to cover 'unforeseen expenses' in his personal life, perhaps a season ticket. He got the money in a lump sum, of course paying tax on it in the normal way, and asked to pay it back over the next 10 months via a reduced salary.

His pay slips for that ten month period showed him receiving that reduced salary and of course that was what the CSA assessed him on.

Contract labour

A company made a man redundant so he signed on without claiming (as described above). He decided to make the best of a bad job by working PAYE for a business run by his new partner. She clinches the deals and contracts him out to do the work... so SHE is earning the money and HE is getting paid by her. Trouble is, she's a bit mean with the money...

CONTROLLING HOUSING COSTS

If your housing costs go up, your exempt income will increase, thus reducing your assessment. One man we know contacted his building society with a view to changing his arrangements. He took their advice and ended up remortgaging his property so that his costs increased.

But he should be careful. We know of at least one case where the CSA has actually instructed an 'absent' parent to extend his mortgage repayment period in order to decrease his housing costs. (And they wonder where people get their ideas from!)

As a general rule, your best position is to have your housing costs at around half your net income (remembering that the CSA define 'net' as gross income less tax, less National Insurance, less HALF of any

pension payments). If your mortgage is more than £60,000 then the CSA may not allow you the full amount for a period of a year, applying a complicated formula to work out how much they are in effect going to fine you.

Variable mortgages

Some people are looking into a new breed of mortgage that allows you to repay at variable rates – thus allowing you to pay far more just before assessment and to drop back again once the time has passed. Beware, however, that many such mortgage companies put the 'regular' amount onto each statement, along with the figure that you actually paid. The CSA will then of course use the 'regular' figure. However there ARE some societies/banks that do not. Consult with a NACSA advisor for more information.

The rent option

A friend moved in with a new partner who was not on benefit. He decided to rent rooms from her at a price appropriate for his maintenance assessment, keeping the relationship to one of landlady and tenant. He tells us it had the added advantage that, being his landlady, she was not required to disclose her income to the CSA. He had a rent book so it was all above board.

CONTROLLING PENSION COSTS

Pension plus

The CSA formula takes into account half of all pension payments when assessing your net pay. The bigger your pension, the less you pay the Agency. Use the Self Assessment Calculator that comes with this Guide to estimate how an increase in pension level will affect your CSA payments.

FIRST AID FROM EMPLOYERS

Business manoeuvres

Usually the bigger the employer, the less likely you are to get any help from the 'jobsworths' who control the administration. However, if you happen to work for a small, friendly and caring organisation, there are some ways they might help.

(1) We heard of one company that delayed paying a bonus until after the CSA's qualifying period. The CSA are not

supposed to seize on the biggest pay slip and use it to make an assessment – but we all know they do. Let's help them by removing the temptation.

(2) Have a company car rather than a wage rise. It will automatically increase your tax code and hence reduce your take home pay.

(3) Delay your annual wage rise until the time is appropriate.

Another man talked to his employer and his accountant about going self employed. He reminded his boss that many 'absent' parents have left work and gone onto benefits as a result of CSA activity. (Statistically the chance of a CSA 'client' being on benefit is three times greater than the national average.) A good company will not want to lose an important member of staff and will be keen to help.

He also made sure he showed them a copy of 'An employers guide to the CSA', included with this guide. ■

CSA WEAPONS

A brief inventory of the CSA's arsenal of fear

Interim 'A' Assessments

One of the most powerful of CSA weapons was supposed to be the interim 'A' assessment which requires 'clients' to complete MAF forms under penalty of a massive 'emergency' assessment equivalent to one-and-a-half times the maintenance requirement (defined as the amount of benefit being paid to the parent 'with care'). The idea was that 'absent' parents would be so terrified, they would capitulate immediately to CSA demands.

Sadly for the Agency, it didn't quite work out that way. Many interim 'A' assessments were applied even though the parent concerned *HAD* supplied all relevant information; the CSA had simply lost track of the papers. In many cases, the amount demanded was far in excess of what anyone could reasonably afford – so they didn't (or couldn't) pay. Within a few years the CSA had built up a debt mountain in excess of £1 billion and it's still there today – getting bigger all the time.

Interim 'A' assessments as a weapon have proved something of a liability and the call has gone out to hold back on them. So that's one CSA weapon blunted – at least to an extent.

All about Arrears

This is money that the CSA considers has been built up during the time an assessment has been in operation that has not been correctly paid (see above). Sometimes these reach quite astronomical sums and the question is asked... can these arrears ever be waived?

Although the CSA have no power to write off child maintenance arrears, they can decide to suspend collection of payments. This is a discretionary decision. The CSA will normally suspend collection of arrears that are more than six months old where:

- (1) The 'absent parent' requests it *AND*
- (2) Three months or more of arrears are due to CSA delay *AND*

The CSA may not have very many weapons arraigned against us, but those it does have are potent. All are designed to have us submit to the idea that 'absent' parents should support their 'ex' as well as their children.

So if fighting is the name of the game, you'll first need to know the scale and power of the weaponry at their disposal – and its likely impact on your life.

In this case, a little knowledge may turn out to be a useful thing.

(3) The CSA does not already have evidence that the 'absent' parent has enough savings to pay the arrears in full *AND*

(4) The 'absent' parent agrees to meet his ongoing liability and pay the last six months arrears either immediately or by instalments.

All these points must be fulfilled.

• *References: para 6.4, Improving Child Support 1995; paras 2110 to 2116, Child Support Manual (Maintenance Assessment, Volume 3, Release 4), April 1995; paras 3610 to 3612 and 3620 & 3621, Child Support Manual (Operational Accounting, Volume 2, Release 4, 4.5 and 5).*

Deduction from Earnings Orders (DEOs)

DEOs are orders, supposedly signed on behalf of the Home Secretary, that allow

the CSA to deduct child maintenance money at source – that is, from your wage packet. At present under 'normal' circumstances the most the CSA can deduct is 30 per cent of your net income, plus a further 10 per cent as a way of clawing back arrears. However, if the CSA impose a category 'A' (emergency) assessment on the grounds that someone has failed to co-operate and has not provided them with all the information they need to make a full assessment, then it's quite possible for a low earner to be required to pay the CSA more than he earns!

The CSA frequently apply category 'A' assessments when they misplace or lose information, so this horror scenario is by no means as rare as it may seem. So what can you do about it?

(1) A DEO can be appealed in a local magistrates court. The appeal must be made within 28 days of the order being enforced. It can only take place on the grounds that the DEO is defective (that is, there are material errors of fact) – for instance that the earnings shown are incorrect. An appeal cannot be made on the grounds that the assessed amount is wrong.

• *Reference: Section 32 (6) Child Support Act 1991.*

(2) A DEO is defective if it's impracticable for the employer to comply with it because it does not correctly include the information required – such as errors concerning names, addresses, dates and so on. Appeals have been upheld in cases where the DEO is unsigned.

• *Reference: Regulation 8 (1), Child Support (Collection and Enforcement) Regulations 1992, No: 1989.*

(3) All DEOs must *ACCURATELY* state:

- Name and address of the 'absent' parent
- Name of the employer
- Where the CSA know, the 'absent' parent's place of work and nature of work
- Works number and National Insurance number
- The normal deduction rate and the date on which each takes effect
- The protected earnings rate (Note: if the CSA have been daft enough to give you a deductions order against a category 'A' assessment, they don't have to show the

Know your enemy

protected earnings level)

- The address to which the deductions are to be sent.

A DEO lasts for 52 weeks. A revised DEO must be issued 21 days before the next period begins in order for enforcement to continue.

(4) CSA policy is for the 'absent' parent to pay by the following methods (in order of CSA stated preference):

- Direct to the person 'with care'
- Direct debit to the CSA
- DEO to the CSA

In fact the reverse is usually true.

• *Reference: paras 3121 and 3300, Child Support Manual (Operational Accounting: Volume 1) 1993.*

(5) A DEO will be made possible where the account is in arrears and the 'absent' parent does not respond to enquiries, *OR* refuses to make an arrears agreement, *OR* persistently defaults on an agreement (generally described as three defaults in a six-month period).

(In fact, as we know, the CSA hands out DEOs like confetti, for no other reason than that they want to lay hands on the money as quickly as possible.)

• *Reference: paras 7540 to 7543, Child Support Manual (Operating Accounting)*

(6) The decision to serve a DEO is a discretionary one and therefore the welfare of any children must be taken into account by the Secretary of State. In December 1994 Mr Justice Thorpe said, "I am not convinced that the agency is at liberty to decide whether or not to issue a DEO without giving considerable weight to the Welfare Principle (in the Children's Act)".

• *Reference: R v. Secretary of State of Social Security ex parte Biggin (1995), The Times, 30 January 1995.*

There has been a dramatic increase in deduction from earnings orders as the CSA makes ever more desperate attempts to sort out its monetary crisis. And despite regulations, many of these are now being served without warning. But according to the chief child support officer in 1996, only 34 per cent of assessments were correct, so the vast majority should be challenged. In other words the money being removed right now from your wage packet *IS PROBABLY WRONG!*

What all this boils down to is if you have a DEO, then it's almost certainly worth challenging. Indeed, the National Audit Office reported in July 1997 that only 15 per cent of CSA statements are correct, so don't let them off the hook.

Enforcement Actions

Liability Orders

If an arrears agreement has been broken or wilfully not reached, enforcement action can be taken by the CSA through obtaining a Liability Order from a county court. For many self-employed people, this is the beginning of an enforcement action.

In order for this to be implemented you have to be given seven days notice that such a course of action will be undertaken before it can actually get to the civil court. Having been granted permission to proceed by the court, the matter is then handed over to a bailiff.

Bailiffs

The CSA use Rayner Farrar & Co of Ickenham, Middlesex as their bailiffs. There are apparently two codes of conduct that bailiffs are bound by and have to work under, a general one covering the rules and a specific one in cases referred to them by the CSA.

The National Associations of Citizen Advice Bureaux have a comprehensive code of practise regarding bailiffs and if you feel you are going to be threatened by this option then approach any CAB for a copy immediately.

Using a Distress Order a bailiff may take 'walk in' possession of certain items only with a view to removing and selling them to the amount of the debt plus costs. Costs are levied at every stage and this will itself become additionally unbearable. A list will be made of the items that are taken and a copy of it should be given to you.

One rule with bailiffs is not to let them in the door at all. Once in, they then have the right to force entry on any subsequent visit. They can also force entry via an open window. It's worth holding documentary proof that the items in the home belong to another member of the household, or

perhaps to a hire company. They cannot take what isn't yours, so make sure you can prove it.

Imprisonment

A court hearing *MUST* take place in your presence. The hearing must enquire into your means and your possible refusal to pay but only if it comes to the conclusion that you *CAN* pay will it commit you to prison.

But... on the brighter side, the maximum period is for six weeks, with perhaps time off for good behaviour! Also the CSA is highly unlikely to pursue any arrears outstanding after a period of imprisonment.

In Summary

Although the powers of the CSA are relatively few their impact can be devastating – particularly if you don't have a clear idea of where the limits lie. As we said at the beginning, knowing the full extent of the CSA's powers is a big step towards learning how to fight back effectively. Read and inwardly digest! ■

FIGHTING BACK

Using what's there to the best effect

Love your MP

Love them or loathe them, MPs are our greatest allies in the battle against the CSA. Why? Because your average CSA 'client' is kept waiting for months for a response to letters – and at the end of it all just gets a standard collection of paragraphs that fails to address any of the questions raised – whereas an MP is guaranteed to receive something within a short space of time.

As soon as the CSA rears its head *VISIT YOUR MP*. Don't write and don't just go once; visit at least once a month. Keep your problems at the forefront of your MP's mind. We reckon around three quarters of the caseload for your average MP is CSA related (!) – and they are fed up with it. Well, they brought this Act in, so let's make them fed up some more and maybe they'll get rid of it.

Here are some handy hints:

- (1) All MPs hold regular surgeries in their constituencies. Find out where by ringing the House of Commons on 0171 219 3000, or check in your local library.
- (2) When you are booking your first appointment with your MP, *DON'T* (if asked) tell them it's a CSA case because the secretary may try to discourage you from coming. Just say it's a personal matter that you can't discuss.
- (3) Be pleasant, not aggressive; the way to get help is to pull people on-side and *NO* MP is going to be impressed by the corny old line, 'I'll never vote for you again'.
- (4) Look downcast, worried and anxious (which won't be hard for most of us) and emphasise you are relying on their help.
- (5) Ask if they will handle your case on your behalf, because you find it almost impossible to get a sensible response. At the very least, make it clear that you want to forward file copies of all your CSA correspondence.
- (6) Use the information in this guide – and the regular editions of *NACSA News* to keep your MP informed and to demonstrate that there is no other option but to repeal the Act.

If he or she agrees the whole thing must go, *LET NACSA KNOW*. We are starting to build our new list of abolitionist MPs and we rely on NACSA campaigners to keep us informed

You've seen what the CSA can throw at you... now here's what you can do to protect yourself and your family. There's plenty to get your teeth into and much of it is a case of taking what's there and using it to the best of your ability.

CSA Data Protection Printout

The Data Protection Act stipulates that we must have access to information collected about us on CSA databases and you can order a complete printout, regularly and free of charge.

Both parents and any new partners can request individual printouts, and updated versions can be requested 40 days after receipt of the one before. When you're ordering, remember to insist they include a printout of a secondary database called D/EASE, which we're not supposed to know about. If any of these printouts contain errors, or comments of a subjective nature (for example, this man is bloody-minded), complain to the Data Protection Registrar.

When you receive your printout, check that all the pages are there (that is, numbered consecutively); if any are missing, complain to the registrar. You will probably notice too that blocks of text have been blacked out; this is to prevent you from seeing details about your former partner.

Sadly for the CSA, the rules for this are apparently a little loose and what one registrar blacks out another may well leave in. Seasoned data protection aficionados report you can often put half a dozen printouts together, culled over a year, and read the whole thing in its entirety!

See Contact Points for full details of where to write or phone.

Using the Media

If MPs are our greatest allies, the media come a close second. Especially at local level you will find newspapers only too happy to report stories about the CSA. Clearly from their point of view, the more sensational the better so don't be afraid to 'tell all' when it comes to revealing the details of your case. The CSA hate this kind of publicity and you'll notice replies from CSA press officers often follow. But... they have also been known to drop cases when the media are getting too hot, so it's well worth making the effort to write.

Don't expect so much from national newspapers because, so far as they are concerned, the CSA is old hat unless something dramatic takes place.

When you write, remember the basic rule is to keep it short and simple and don't try to say too much. One strong point is worth a paragraph of ranting. Always finish the letter with details of how readers can get help – either locally or at a national level.

Reviews

There are essentially four types of review:

Section 16 Review

This is a review that takes place at a regular interval of 104 weeks (2 years). It updates any changes that have taken place since the last assessment, such as pay rises, changes in outgoings and so on. It may also be carried out at the instigation of a CS officer at any time, but their work pressure is such that it does not happen very often.

It is essential to keep track of the approximate dates. You may for instance decide to reduce your overtime earnings in order to keep down your overall income; you can reduce your working hours slightly in advance of this date and perhaps increase your outgoings at the same time.

Section 17 Review

Also known as a 'change of circumstances' review, this is usually done at the request of an 'absent' parent or a parent 'with care'. The CSA only agree to

Learn the ropes...

do it if there is a 'significant' change to the maintenance due. 'Significant' is defined as making a difference of £10 per week or more to the figure that you have to pay. In reality you are highly unlikely to get it and will have to wait for a Section 16 Review before anything happens.

Section 18 Review

Also known as a 'second-tier review', with this you can challenge any decision made by a CS officer. It must be carried out by one who is unconnected with the earlier decision.

Initially the CSA will always say that it is not justified and refuse to carry out the requested review. However, you have to go through with this process in order to have access to a tribunal, where you are much more likely to gain some success.

Since the majority of CSA assessments are wrong, it's always worth applying for this type of review.

Section 19 Review

This is more or less the same as the Section 18 Review above but carried out at the instigation of an Agency officer who has discovered an error made by the CSA. Needless to say this only happens in rare instances!

Tribunals

Once you have had (and presumably lost) a Section 18 review, you can appeal to the Independent Tribunal Service to appear before a Child Support Appeal Tribunal. Usually it will be against a decision taken by a CS officer on the grounds that the decision can be shown to be erroneous and/or if the officer has refused to change it.

The tribunal is a quasi court which consists of a chairperson and a panel of two people. They look at all the circumstances of the decision from the beginning and have the power to make inquiries into all aspects of the case.

If the tribunal reach a different conclusion to that reached by a CS officer, the appeal is allowed and a direction is made to the CSA to look at the case in the light of their specific recommendation.

It's always worth going to an appeal tribunal because in the run-up it forces the CSA to take a comprehensive look at the whole case. They frequently find mistakes

and then have to say so. Don't however rely on this happening. Take the time to find evidence of your own.

Commissioners

It is possible in certain circumstances to appeal a decision of a tribunal to a Commissioner if that decision is defective in law. This is a more technical appeal and informed help is needed to ensure the case is correctly analysed and presented.

These defects include misinterpretation or oversight of case law or legislation, making a finding without a proper statement of reasoning or evidence, inconsistency, or breaches of natural justice. The observance of time limits are crucial to the presentation of the case, as a Commissioner will *NOT* look at 'fresh' evidence but only at the evidence that was presented to a tribunal.

The Commissioner is always a senior lawyer of considerable experience in appeals who deals full-time with DSS/CSA cases and has a wide range of case histories to call upon.

Judicial Reviews

Any person affected by a decision or action of a public body or one of its officers can ask the High Court for a judicial review of the decision or action.

It's not possible to sue a public body or one of its officers for negligence in the course of their statutory duties because of the indemnity afforded to servants of the Crown. Additionally, due to the review procedures instituted under CSA rules, it is not possible to leapfrog the procedure and go directly to a tribunal or to the CSA Commissioner.

However, a judicial review may be sought of a Secretary of State's decision (or the decision of a CSA tribunal chairperson, or a child support Commissioner) to refuse to grant leave to appeal.

The court may be asked to set aside the decision and also order the decision-maker to consider it again in a lawful way. A judicial review cannot usually be brought where there is a right of appeal to a CSA tribunal or Commissioner.

In the following circumstances, judicial

reviews might well succeed:

Illegality – where the decision maker goes against the law regulating the decision, for example, dealing with a case outside their jurisdiction and powers;

Irrationality – where a decision is 'so outrageous in its defiance of logic or accepted moral standards that no sensible person who had applied his mind to the question could have arrived at it'.

Procedural impropriety – where the regulations have been deliberately misconstrued, or where (say) two interpretations are available and the stricter of the two has been applied without supporting logic.

For more details, see the CSA Tutorial in the May/June edition of *NACSA News*.
• *Council of Civil Service Unions vs. Minister for Civil Service [1984] 1 WLR 1174; and / or [1984] 3 All ER 935.*

Ombudsman

The ombudsman (more properly known as the Parliamentary Commissioner for Administration) investigates complaints made against government departments. The only access is via your local MP.

The ombudsman complained once again this year that his CSA case load is certainly not declining. Indeed he has now reached the point where he will only take on two kinds of case:

(1) ones where they involve some novel aspect that he hasn't thus far considered;
(2) those where CSA errors may have led to serious financial loss.

The ombudsman will investigate the case and make recommendations to the CSA and there are supposed to be strict time limits to all this interaction. However, the time period for such investigations are usually measured in years, not weeks.

Departures

This is an attempt by CSA legislation to 'correct' some aspects of the rigid formula which may not have taken certain extraordinary expenses into account.

These are limited to:

- 'over generous' provision of an allowance to an 'absent' parent
- Lifestyle inconsistent with shown income
- Travel to work costs

...and protect your family

- Cost of travel to maintain contact with children
- Cost of supporting other children of the family
- Cost of long term illness or disability of the victim
- Pre April 1993 financial settlement agreements
- Debts incurred before the separation of the couple

This has evolved into a double edged sword because the success rate where the parent 'with care' applies for a departure on the first two grounds is two-and-a half times greater than where an 'absent' parent applies on any of the other grounds. 'Heads I win, tails you lose' you could say. Nevertheless you should always look to see if any of these provisions could have a bearing on your case.

The CSA are now taking on special powers to deal with the self employed. If they feel your levels of income and expenditure do not broadly match they now have departure powers to introduce 'notional' levels of expenses. In other words, tails you definitely lose because we say you do!

Independent Complaints Examiner

Early in 1997, Anne Parker was appointed the Independent Case Examiner (ICE) to investigate complaints against the CSA.

At first sight this offered hope to the thousands with legitimate grievances whose appeals had so far been ignored. However, further inspection revealed that ICE appointments are common in government areas where complaints are rife and in fact the only real objective is to deflect criticism and give the impression that something is being done. In particular it was set up to reduce the caseload of the ombudsman who, despite hand selecting cases and refusing most, still finds over 25 per cent of his time being spent investigating CSA maladministration.

The ICE team will be internet based and made up of 40 people, evenly split between guidance and investigative sections. The management structure pyramid shows that it will have ICE Focal

Point teams acting as a conduit between it and teams at the CSA centres. Staff are drawn from the DSS (50 per cent), CSA (25 per cent) and outside (25 per cent).

The ICE teams are scheduled to handle a mere 4000 cases a year and, of these, it is planned that three-quarters will fail to meet their threshold requirement of qualifying as a 'Gateway' case and will thus not be considered for action. Only a 1000 cases a year are likely to in any way benefit.

For the record, you will not pass through the ICE obstacle course if:

- (1) the CSA have not yet investigated your complaint themselves
- (2) the case is unsuitable for ICE investigation
- (3) the case refers to CS legislation
- (4) the ombudsman is looking into the complaint.

Finally, you won't be surprised to hear that although the ICE might make recommendations, the CSA are perfectly free to ignore them.

Suing the CSA

One of the most common questions we get asked in NACSA is 'can I sue the CSA?', to which the answer is 'yes and no'. Government bodies are (surprise surprise) immune to prosecution for negligence in the course of their statutory duties. However, like any organisation, the CSA has a responsibility to conform to the 'Supply of Goods & Services Act 1982' The Act defines (in Section 18 Part 1) a business as a profession and includes the activities of any government department or local public authority.

Part 2 deals with Services and Section 13 contains the implied term that the suppliers shall exercise reasonable care and skill; Section 14 deals with performance and imposes the obligation on the supplier to carry out a service in a reasonable time. In addition, Section 15 deals with the level of costs of the services in question (although while the CSA continues to waive its costs, this does not apply).

Under the Act, a contract includes the implied term that the customer will pay a reasonable charge for the service. The definition of a 'contract' for the supply of the service is given in Section 12 Part 1 – as a contract under which the supplier

agrees to carry out the service.

Any CSA victim thinking of following this path should take a look at:

- (1) the excellent New Penguin Guide to Law, Chapter 68, pages 986 - 1006, and
 - (2) County Court Practice
- Both are easily obtained in libraries.

Charter Complaints

The CSA, under its present Charter standards, aims to complete a new assessment within 26 weeks (half a year). Yet under the old Liable Relative system, the same process took under 50 days. If nothing else disturbed us about the performance of the Agency, this is bad enough to warrant real disquiet. But it gets worse. A dip inside the Charter handbook (CSA 2047) reveals a litany of soft targets that they seem unable to match, let alone surpass. Here are some of the 'standards' that the CSA sets out to achieve:

- (1) They aim to review assessments within 26 weeks – the same as for the initial assessment.
- (2) They aim to send all necessary information to the appeal tribunal within 13 weeks (a quarter of a year); this for information that is already to hand.
- (3) They aim to answer phone calls within 20 seconds if you phone with a general enquiry within normal working hours. (But 'answer' means receiving a pre-recorded message and being held in a queue – often for hours.)
- (4) They aim to reply to your letters within 10 working days of receiving them. (Normally the only reply you will get in that time is an acknowledgement card.)
- (5) They aim to acknowledge your complaint within two working days and to send a full reply within 10 working days.

Anyone with experience of dealing with the CSA will immediately realise that all this is cloud cuckoo land. The CSA sets minimum standards way below those seen elsewhere in DSS and still it shows no sign of being able to meet them. Readers who find difficulty in matching these claims with a specific experience should register their complaint with the Charter office: *Office of Public Services, The Cabinet Office, Horseguards Road, London SW1P 3AL. Telephone 0645 400444. ■*

CLARIFICATIONS

Spotlight on key areas of interest

Denial of Paternity

Paternity may in theory be denied not only when the CSA first approaches you, but also after an assessment has been made. The denial of paternity should mean that the assessment is suspended until the issue of paternity has been determined and for this reason the CSA now asks the 'absent' parent to confirm paternity before they send him the Maintenance Enquiry Form. However, it also seems in practice that once payments have begun, it's much harder to interest the CSA in any 'new evidence'.

Parentage investigations

If parentage has been denied then a maintenance application cannot go ahead, *EXCEPT* where the CS officer can assume parentage. If a person denies being a parent, the CS officer must assume that the person is the parent of the child if:

(1) the man was found to be the father in court proceedings (*as listed in Section 12 Civil Evidence Act 1968*);

(2) there exists a Declaration of Parentage (*Section 56, Family Law Act 1986*).

Further investigations may take place if the alleged 'absent' parent denies paternity (*Paras 11002–3 Child Support Manual, Maintenance & Assessment, Volume 1 & 2) 1993.*).

NACSA warns against using denial of paternity as a means of delay. Sooner or later you will have to take a DNA test; if you refuse you will be assumed to be the parent. While this is going on, arrears will be piling up. You will also be charged the cost of the DNA test – unless you can show you had reasonable cause to dispute paternity, in which case you may be able to 'haggle'.

Avoid making spurious denials which may hurt the very children you are trying to protect. There are better ways of fighting back.

Housing Costs

Housing costs must be eligible and payable in respect of the home in order to be included in exempt income in the

The Child Support Act is highly complex and our attempts to understand what it all means has spawned an industry all of its own (always a sure sign of bad law).

Books, videos, help lines, consultants... the list is endless. NACSA joins in the party with a number of clarifications of its own.

CSA assessment. It is *NOT* enough that the costs are incurred as a result of a loan secured on the property. The costs must be in respect of *PROVISION* of the home and they will accept:

- Rent.
- Mortgage interest payments.
- Capital repayments.
- Premiums paid under an endowment, or other insurance policy, a PEP, or a PPP to the extent that the policy was taken out to cover the cost of the mortgage.
- Interest payments on loans for repair and improvements to the property taken out *BEFORE* the enquiry form was received.
- Interest payments on loans to maintain the fabric of the building or to improve the fitness for occupation.
- Interest payments on an HP agreement to buy a home.
- Ground rent or feu duty.
- Payments under a co-ownership scheme.
- Service charges if they are a condition of occupancy.
- Payments under a rental purchase scheme.
- Charges for a boat or site charges for a caravan or mobile home, or for a tent, or for croft land.
- Payments in respect of a loan that was taken out to pay off another loan in respect of the provision of a home – the eligible costs are *NOT* limited to interest payments.
- Payments for a Crown tenancy or licence.

- Fees where a partner lives in a nursing home / residential home / local authority residential care establishment under the NHS Act 1977.

- Payments as a result of, or in respect of, occupying a home.

Mortgage specific

The CSA defines mortgage payments as:
- Payments made towards paying the mortgage whether directly as capital repayment or through certain policies.

- Payments for endowment policies or other policies taken out to pay off the mortgage *INCLUDING* a Mortgage Protection Policy if for unemployment, sickness or disability cover. (Note if you have a pension linked mortgage only 37.5 per cent of pension payments are allowed.)

- Life insurances taken out to discharge the mortgage on death.

- PEPs and PPPs taken at least in part to discharge the mortgage.

- Repayments under an agreement for a loan taken out for eligible repairs and improvements.

If the mortgage is under £60,000, *ALL* of the premiums paid are eligible. In the case of mortgages of more than £60,000 a formula is applied limiting the proportion allowable to 0.0277 of the additional amount per week. However, the full amount is allowable if the mortgage was operating before the CSA got involved.

Absence from the UK

Time and time again victims ask campaigners about the viability of leaving the country to escape the clutches of the CSA. Certainly it *IS* possible to make such a move and indeed folklaw has it that a certain pub in Dublin is full of expats 'on the run' from the CSA who are dealing in second-hand cars!

But it may not be quite as easy as you think. The CSA definition of 'habitual residence' (that is, the country where you live) has been deliberately kept vague and is not defined in the Child Support Act. Indeed in two such cases the CS Commissioners adopted quite different definitions and one of these was different in Law to any other known case where

Frequent questions and...

the concept of 'domicile' or 'habitual residence' has been used.

In other words, the CSA have left open the definition of 'habitual residence' so they can interpret it as they wish. The general feeling among campaigners is that you really do need to look like you are leaving the country for good if you are going to go that route.

Here are some definitions:

Habitual residence:

A CSO cannot make a maintenance assessment unless the person 'with care', the 'absent' parent and the qualifying child are all habitually resident in the United Kingdom.

- *Section 44 (1) Child Support Act 1991*

Case Law also gives guidelines. Habitual residence may continue during an absence from the UK and a person may be habitually resident in more than one country, or none.

CSA jurisdiction

Where the CSA does not have jurisdiction because a party to an assessment is habitually moved abroad, the Courts may still deal with applications for maintenance. The Courts also have the power to decide issues of enforcement where an 'absent' parent has chosen to live abroad.

- *Maintenance Orders (Reciprocal Enforcement) Act 1992*

When does an Assessment end?

Some changes of circumstances lead to a cancellation whether or not a request is made. The CSA may be aware of a change from a request, a notification by a parent 'with care' under her duty to do so, or from the DSS computer. This can also apply to cases involving 'habitual residence'.

- *Para 7901 Child Support Manual (Maintenance Assessments) and Child Support Guidance Volume 3*

Cancelling assessments

A CSO must cancel an assessment, including an Interim Assessment, where the person 'with care', 'absent' parent or qualifying child is no longer 'habitually resident' in the UK.

- *Schedule 1 para 16(5) Child Support Act 1993 Regulation 7(1)]; and Child Support (Maintenance Assessments and Jurisdiction) Regulations*

Guidance to CSOs

CSOs are advised not to accept an absence of more than 12 months as temporary, unless there are special circumstances causing a delay and there is a reasonable prospect of the absence ending.

- *Para 1717 Child Support Adjudication Guide, Central Adjudication Services*

CSOs are also advised to consider, among others, the length and purpose of any absence, the person's intentions on leaving and the number of visits they make to the UK.

- *Paras 1711 – 1719, Child Support Adjudication Guide, Central Adjudication Services*

Self Employed Earnings

One of the most common moves people make when facing problems with the CSA is to go self-employed because it allows them the opportunity to take fuller control over their financial life. However, as with any new situation there is much to learn and a visit to an accountant is always recommended. In the meantime, here are some important things that you need to know:

Gross earnings

In this context, earnings are your gross receipts from the business. This includes any business start-up grant which is paid in the same period as the receipts, unless it has ended in the seven days immediately before the date that an enquiry form was sent to the client, in which case it is disregarded.

Earnings do not include payments received for board and lodging accommodation, unless this forms the largest part of the client's income.

Net Earnings to be included as net income are the gross receipts *LESS*:

- Income Tax at the rates for the respective period.
- National Insurance contributions Class 2 & 4 at the rates for the respective period.
- 50 per cent of any premium on a personal pension scheme or a retirement annuity contract.
- Any VAT paid in excess of VAT received

in the respective period.

- Any expenses which are reasonably incurred and wholly and exclusively defrayed for the purposes of the business. Expenses that are part business and part private should, obviously, not be shown as such!

Business expenses include

- Repayments of capital on loans used for repairs and replacement of business assets.
- Any income used for repairs of a business asset.
- Any payment of interest on loans taken out for business purposes.

Business expenses do *NOT* include

- Capital expenditure.
- Depreciation of Capital Assets.
- Sums employed in setting up or expansion.
- Any loss incurred before the period of earnings being calculated.
- Business entertainment expenses.
- Any loss incurred in any other self-employment.

Calculating your weekly earnings

If a profit & loss account is provided for a period of between 6 to 15 months which ended within the last two years that end on the effective date, then it can be used to calculate your average weekly earnings.

If there is more than one profit & loss account covering different periods, then the latest one will be used unless it is not available for reasons beyond the client's control. Additionally, a trading account or balance sheet may be requested. If the necessary information is not contained, other evidence of gross receipts may be requested.

Where there is no appropriate profit & loss account available, earnings may be averaged over the previous 52 weeks, or over the period of self-employment if less than 52 weeks.

Other evidence required

This includes business books, receipts of bills sent and paid, bank statements, records of wages paid, Inland Revenue forms and VAT bills.

Only those receipts and expenses relevant to the period should be used.

Another period may be used if it is felt that the above calculations do not

...common misunderstandings

represent an accurate picture of the true earnings. This may happen when there has been a major change in trading patterns which has resulted in higher or lower earnings, or where trading has occurred over less than a period of a year and patterns have not yet been established.

Challenges to Accounts

If the Inland Revenue or the Contributions Agency have accepted the accounts then it is highly unlikely that the accounts will be challenged.

Maintenance and Income Tax

Income Tax relief is available for any and all maintenance payments if they were made by any of the following:

- (1) A written agreement that is legally binding in a UK Court.
- (2) an assessment made by the CSA *AFTER* April 1993.
- (3) a UK Court Order, or
- (4) a Court Order made under the Social Security Act to the DSS.

Your ex-partner must be still be single and the child(ren) must still be living with her.

To get tax relief against a CSA assessment, just send a photocopy of the assessment or DEO to the Tax Office that handles your (or your employer's) account and request that any refund due to be made, and the maintenance amount required, be built into your code. This is generally done very promptly (within 4 weeks or so).

When the CSA Bows Out

One of the most frequently asked questions we get is, "When does the nightmare of having to deal with the CSA end?" Most people know that the Agency bows out when the 'child' reaches 19 or when he or she leaves full time education but less clear is exactly when things change. Here is how it works:

A child shall be treated as qualifying if it is under the age of 19 and in receipt of full-time non-advanced education. If the

child obtains the results required to start a degree course at a university, and leaves school to start this degree, the child will no longer qualify for child maintenance under CSA legislation.

However, you are still under an onus to support your offspring through university and if mutual agreement cannot be reached, then the child has the right to seek a consent order through the courts. The CSA will be happy to wash its hands of the case because the state is no longer having to provide support to the parent 'with care'.

The date that an assessment ceases is based on the date the child either leaves full-time non-advanced education or reaches the age of 19, whichever is soonest. When a child finishes non-advanced education it will be treated as qualifying for child maintenance up to and including the week including the terminal date. The three terminal dates are as follows:

- the first Monday in January, or
 - the Monday after Easter Monday, or
 - the first Monday in September
- ...whichever first occurs after the date on which the child's said education ceased.

The change in the child's qualifying status may be advised by either the 'absent' parent or the parent 'with care', in writing if the CSA are informed by the 'absent' parent (who of course is not to be believed). The CSA would investigate the report and it would be up to the child support officer dealing with the case to decide whether or not the child still qualified, based on the information placed before them.

Therefore a CSA assessment comes to an end under the following circumstances:

- (1) When there is no longer a qualifying child... that is, he or she is beyond the age threshold, or gets married, or emigrates with or without the parent 'with care'.
- (2) On the death of the 'absent' parent, the parent 'with care' or the qualifying child.
- (3) When the 'absent' parent and parent 'with care' have been living together for six months.
- (4) If either the 'absent' parent, parent 'with care' or qualifying child cease to habitually live in the UK.
- (5) If the parent 'with care' is no longer on Income Support, Family Credit or Disability Working Allowance.

(6) If the case has been reviewed, set aside, cancelled or has ceased to have effect... although of course, arrears may well remain.

Finally, the painful reminder that although a child may have ceased to qualify under the Act and an assessment may have come to an end, that doesn't necessarily mean that the payment of any arrears has come to an end. NACSA knows of one victim who will be paying them off up until his 150th birthday! ■

THE POLITICS

Where the major parties stand on the CSA

There was cross party support for the original Child Support Act on its journey through the House of Commons. Only in the Lords was dissent raised. MPs ignored the serious misgivings of the Law Society, child welfare groups and others. Since then the endless stream of CSA cases appearing at MPs' surgeries has changed their outlook. There are no exact figures but we estimate between 50 and 75 per cent of most MPs' case load is now CSA related.

Since its introduction in 1993 the Child Support Act has attracted massive public hostility and has been the subject of many highly critical official reports. Here is where Britain's three major parties stand on this much loathed Agency:

LABOUR

The best way to describe the official Labour line is 'all over the place'. During the last parliament, NACSA compiled a list of over 150 Labour MPs who wanted to scrap the Act outright. However, social security guru, Frank Field and a few colleagues appeared to be hoodwinked by Tory ministers into believing good news that the Agency was starting to work satisfactorily. It wasn't.

At the end of 1996 Labour produced a rambling policy document. It talked of 'fundamental reform'; disregards for mothers on benefit (meaning they would actually get to keep a few pounds of the maintenance money); cases being dealt with by a single named CSA officer throughout; and so on.

However, later in the eight page document the tone suddenly changes. In contradiction to much of what went before, it suggests the assessment might be handled by family courts.

Since then the signals have, if anything, got more confused. People like Field have discovered the Tory's figures were nonsense (compare the National Audit Office's July 1997 shock statistics revealing an 85 per cent case inaccuracy with the rosy picture being painted by the Tories only a few months earlier). The new government has discovered the situation is much worse than it ever imagined.

During a Commons debate on the CSA held in June 1997, one MP after another complained bitterly about getting ever more swamped by CSA cases. Rumours emerged that Labour was prepared to

consider all options – including a switch back to a court-based assessment system, as trailed in their policy document.

CONSERVATIVE

The perpetrators of the Act have never shifted (at least in public) in their stance that the CSA is 'a good thing' that can be made to work. Of course, the many Tory MPs with bulging CSA case files will be aware that things are seriously amiss. They know that the Agency will probably never function satisfactorily. Many of them voice these facts privately, but few have ever been prepared to publicly go against the party line.

However, it's now 'all change' at Tory HQ. At such times they CAN execute massive reversals of policy and think the unthinkable. NACSA has always argued that the legislation is extremely 'un-Conservative' so even now we shouldn't be surprised to see them switch position to abolition, if only to spite Labour. However, a reversal of policy would need firm leadership. Many commentators worry that William Hague has little more to offer on that front. We might get a surprise, but don't count on it.

Conservative MPs have taken a battering and now feel vulnerable to public opinion. We must keep up the pressure on them.

LIBERAL DEMOCRAT

Following a meeting in 1995 between leading members of NACSA and Earl Russell and others from the then Lib Dem social security team, official party policy became the repeal of the CSA.

They want it replaced by a system of unified family courts – a sort of one-stop-shop for all matters concerned with

separation and divorce. Many aspects of the Lib Dem's proposals align closely with NACSA's own 1995 'White Paper', *Child Support: the way ahead*.

Most Lib Dem MPs have been very supportive of constituents struggling to survive under pressure from the Agency their position crystallised by their social security spokesperson, the talented and much lamented Liz Lynn, ex MP for Rochdale. NACSA has always respected the Lib Dems' position; we have enjoyed excellent relations with the party (and vice versa).

Although there is no official connection between NACSA and the Lib Dem party, NACSA of course remains delighted with the historic 1995 announcement. Over six million people in this country have had their lives disrupted by the activities of the CSA. At least they have a party to support which not only listens to their voice, but one which by all accounts also has the ear of Tony Blair.

We therefore urge everyone who reads this guide to clip out and complete the coupon below and mail it to: *Liberal Democrat Party headquarters, 4 Cowley Street, London SW1*.

In addition:

- Talk to your local Liberal Democrat politicians and explain the CSA system to them.
- Spread the message... help the Lib Dems with their campaigning for all forthcoming elections.
- Write to MPs of other parties, explaining why you support this Liberal Democrat policy initiative.
- Keep local Liberal Democrat politicians up to date with news about the Child Support Act and the efforts being made to bring about its total repeal. ■

NACSA PLEDGE OF SUPPORT

Full name.....

Address.....

.....Telephone number.....

I applaud your policy calling for repeal of the Child Support Act. Please be assured of my support for this Liberal Democrat Party policy.

My household contains [] voters who pledge their support for this policy.

Please send me details of how to join the Liberal Democrat Party.

Post this coupon to: *Liberal Democrat party headquarters, 4 Cowley Street, London SW1*

AMMUNITION

Facts to feed to your MP

For years, NACSA News has produced the figures that keep us up to date on the CSA's true performance. These all come from published DSS statistics and written parliamentary answers. Not surprisingly they always give a very different impression from the rosy picture put about by ministers from the former government. If you are not used to looking at charts, make the effort to understand them. Because what you see here is **GOVERNMENT INFORMATION** and what they have to tell us **WILL** be of interest to **YOUR MP**. For him or her it will be the only way of knowing what's really going on.

1. ADMIN AND COMPLAINTS

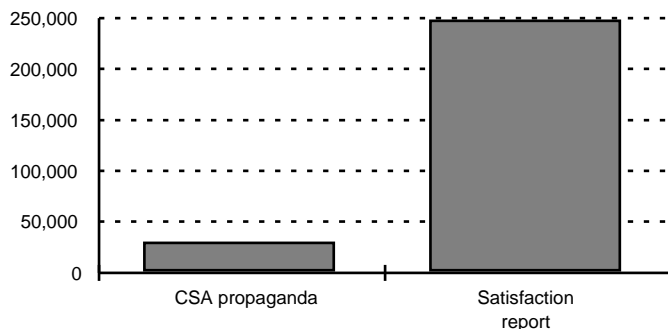
There has been a steady rise in the number of complaints received at the CSA so don't be misled by the official figures. The CSA National Client Satisfaction survey (*sic*) shows a level of complaints at least ten times greater than that admitted to by the CSA. But in a written answer Chant said, "Where there have been vexatious complaint campaigns orchestrated by organisations who oppose the implementation of the legislation, staff have been instructed not to register these as bona fide complaints." (*Written Answers, 18 Feb 1997, col 507*)

When asked exactly what one has to do to get a complaint counted as such by the CSA she said, "The new CSA Charter advises clients how to complain if they are dissatisfied with the service they have received from the Agency." Er... right, so perhaps someone could show us where in the Charter it tells you how to complain... because we couldn't find it.

In fact it says, "During 1996, the agency set up a review of its internal procedures for dealing with complaints in order to bring them into line with the Citizen's Charter Complaints Taskforce recommendations." So their complaint handling doesn't even conform to the Charter standards, even if we were able to find out what they were.

But anyway, you can be sure that the CSA takes the handling of complaints very seriously, especially when it comes to finding new ways of not counting them.

CSA COMPLAINTS SOAR TO OVER 20,000 A MONTH!

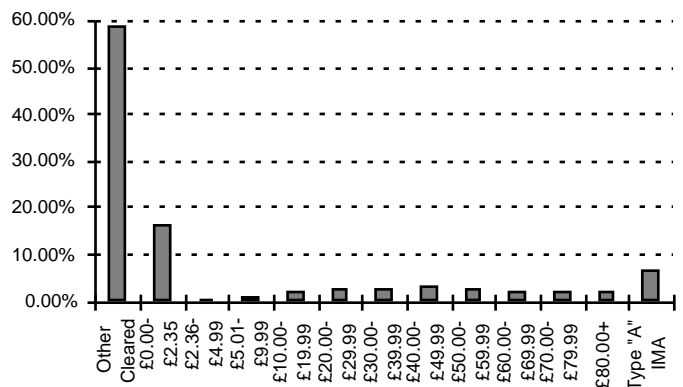


The true level of complaints is ten times the official level. That's partly because staff have been instructed to ignore complaints coming from orchestrated campaigns. Just don't embarrass them by asking how they can tell the difference.

2. ASSESSMENTS – WHO PAYS?

A common complaint is that maintenance payments have risen to unacceptable levels. But this is not representative of what's happening across the board. The CSA assessment process focuses demands on certain types of people and this chart shows who ends up with what. The majority of cases get cleared with little or no assessment. Most people were paying before but when you ask the Government how much they say they don't know. In fact early results from the 'Fathers Apart in Britain' survey show a third get an increase, a third stay the same and the remainder see a decrease. Pretty pointless really.

MOST CASES CLEARED WITH LITTLE OR NO ASSESSMENT

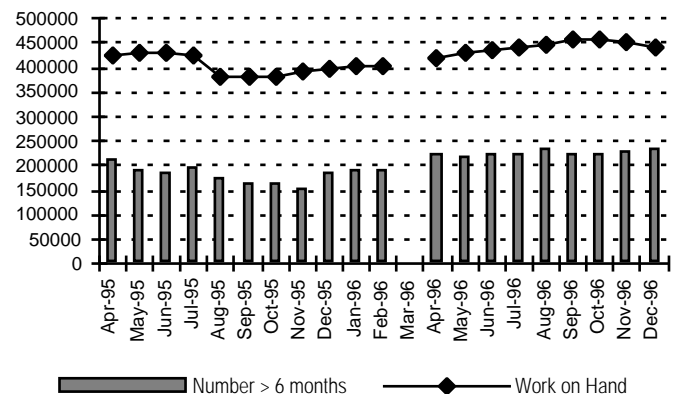


Most of those with CSA assessments were paying before, and in fact the majority are cleared with little or no assessment.

3. ASSESSMENTS BACKLOG

There has been hardly any change in the backlog of cases waiting to be assessed in nearly four years. And the percentage of cases over 26 weeks old, has hardly changed either.

THE BACKLOG OF ASSESSMENTS GETS BIGGER, NOT SMALLER



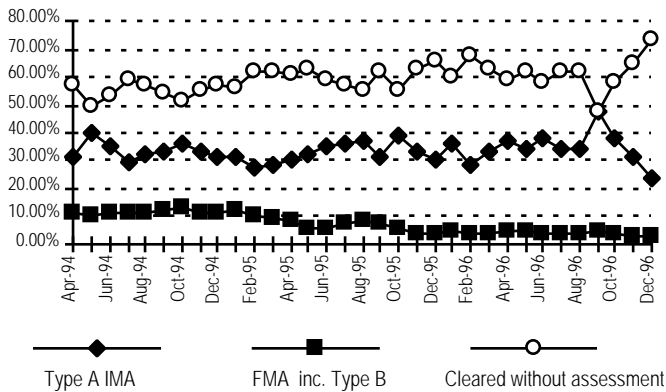
The number of assessments in the pipeline shows a slight increase over four years. The bars show the ones that have been waiting for more than 26 weeks.

DEOs without warning...

4. ASSESSMENT TYPES

Most CSA cases are closed without assessment. In fact nearly two thirds of cases are closed in this way. Roughly a half of those are cases where either the 'parent with care' has pleaded 'good cause' or has refused to give her authority. A third end up with a full assessment and just under 5 per cent get a Type A interim assessment (IMA), although the number of IMAs has been dropping, largely because the CSA are embarrassed by the level of uncollectable debt – at present over £1bn, see (6).

WHY TWO-THIRDS OF CASES ARE CLOSED WITHOUT ASSESSMENT

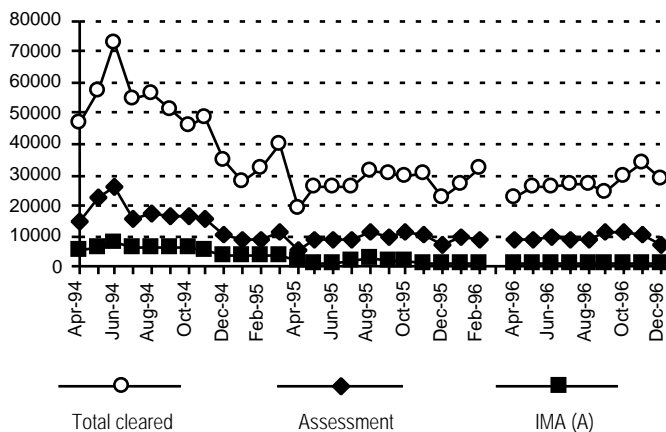


Two-thirds of cases are closed without assessment and of these about half are where the PWC has either pleaded 'good cause' or refused to give her authority.

5. RATE OF ASSESSMENT

The number of assessments issued has levelled off at 10,000 a month with about 30,000 cases a month being handled in total. This includes about 1,000 Type A interim maintenance orders. But the figures also show a worrying rise in the number of deduction from earnings orders (DEOs) being issued.

ASSESSMENTS LEVEL OFF AS BACKLOG GROWS

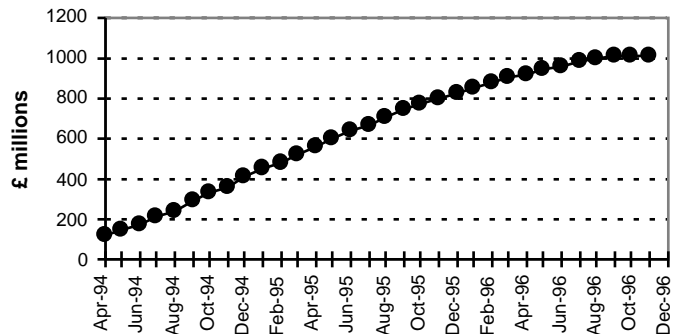


The CSA issues about 10,000 assessments a month out of 30,000 cases handled. But DEOs are increasing as the CSA tries to improve its financial position in any way possible.

6. THE CSA DEBT MOUNTAIN

The CSA is sitting on a mountain of debt – £1034.4 million at the last count. £585.51 million (57 per cent) of the £1034.4 is as a result of IMAs – see (4). So threats haven't worked, showing just how badly the Act has backfired. Now the CSA are trying to avoid issuing interim assessments.

CSA £1 BILLION IN DEBT – AND IT KEEPS ON GROWING

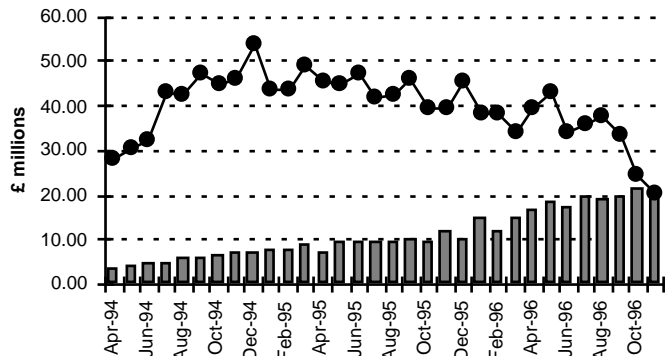


Nothing has changed with the CSA's billion pound debt mountain but at least it's dissuaded them from issuing interim maintenance assessments to the extent they were.

7. COLLECTION OF MONEY

There has been a marked drop in the money the CSA is looking to collect while the amount collected has risen. This is because the Agency are not making so many interim assessments – which rarely get paid – and there are far more DEOs... which mean instant money, even if the assessments are usually wrong.

SLIGHTLY MORE MONEY COLLECTED BUT FROM INCORRECT ASSESSMENTS



The amount collected (columns) has risen because the CSA issues many more DEOs. However, the amount scheduled to be collected has fallen in line with the reduction in IMAs.

Less Income Support offset...

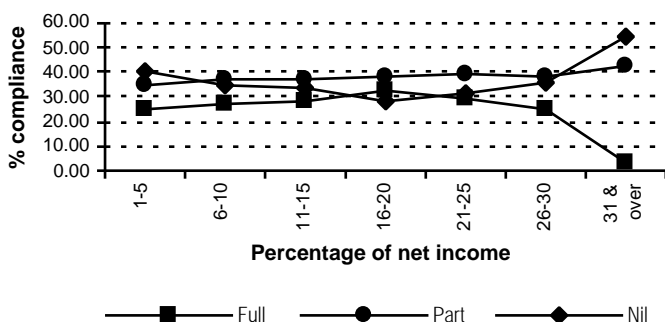
8. WHO'S PAYING?

Who is actually paying their assessment? The CSA have three categories: 'fully compliant' means you have no arrears; 'partially compliant' means you've made at least one scheduled payment in the last three months; and 'nil paid' means nothing has been received in the last three months.

Compliance is of course down to people's ability to pay. The chart here shows assessments that are more than about 25 per cent of the absent parent's net income are far less likely to be 'fully paid' and far more likely to be 'nil paid'.

You can't do this same breakdown for interim assessments because you don't know the net income but the overall figures are 'fully compliant' 1.2 per cent; 'partially compliant' 7.5 per cent; and 'nil paid' 91.4 per cent. Most paid IMAs are ones where the IMA is very low for some reason.

MOST ASSESSMENTS OVER 20 % OF NET INCOME DON'T GET PAID

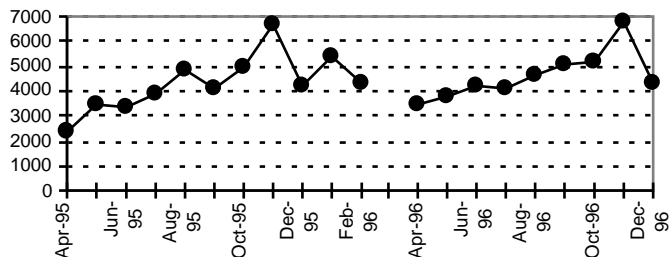


Once assessments get much over 20 per cent of people's net income, compliance drops right off.

9. DEDUCTION FROM EARNINGS ORDERS

For many a DEO is their first contact with the Agency. As one MP said, "It seems that if you dare to argue with them they will slap a DEO on you before they even talk." Figures show half those who get assessed also get a DEO. Yet the chief CSO confirms that 66 per cent of assessments are wrong.

HALF OF US HAVE DEOs YET MOST ASSESSMENTS ARE WRONG



Half of people who get an assessment now get a DEO. We know most CSA assessments are wrong so the agency are removing a lot of incorrect sums from wage packets.

10. COOKING THE BOOKS

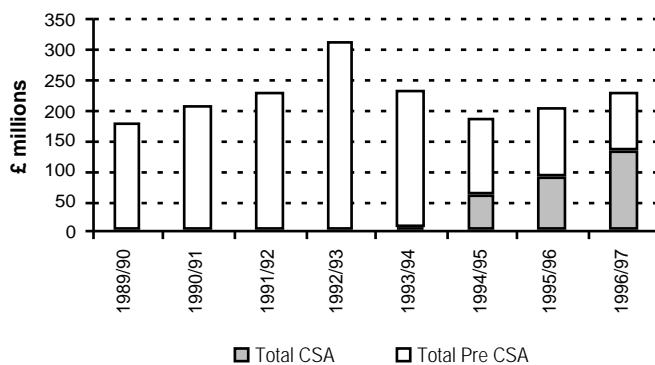
One of the supposed purposes of the CSA was to reduce the Government's Income Support bill by deducting maintenance money from benefit payments. Unfortunately for them it didn't work out like that and they had to change their accounting methods to try and cover up what was really happening.

When you asked the Tory Government what 'absent parents' are being asked to pay compared to what they were paying before, they said that the information was not available, even though it's a standard question on the MAF/MEF.

It's easy to see that when maintenance assessed by the CSA is paid to a 'parent with care', her Income Support gets reduced pound for pound as a result, and that of course represents a saving to the Treasury. But the figures put forward were more devious than that and were designed to hoodwink MPs into believing the CSA is better value for money than it really is.

Despite constant lobbying, the Tories repeatedly refused to recalculate the savings on a like-for-like basis with the old system, saying it was impossible to compare the two. In fact it isn't at all difficult. But whenever we did so they countered with some objection to our calculations that they said made our figures wrong. In fact, when you analyse their criticisms you find that none of them make much difference to the bottom line, even when you add them all together.

CSA PRODUCE FEWER SAVINGS THAN THE LRU - SO THEY FIDDLE THE FIGURES



The amount of money offset against Income Support is slightly less than it was before the CSA was set up. The white sections show the money being paid from pre-CSA arrangements.

The total amount of maintenance money offset against Income Support is about the same, or slightly less than it was before the CSA was set up. All that the CSA has done is convert old assessments into new assessments and made very little difference to the overall figure. But the CSA costs over three times as much to run as the old system.

It's also clear that the savings claimed by the CSA include money that is being paid under old pre-CSA arrangements. So a lot of the maintenance they are claiming the credit for would have been paid anyway – with or without a £200 million a year bureaucracy called the CSA.

Fraud is increasing...

In fact the Tory government made a number of changes to the way they accounted for benefit savings when the CSA was introduced, and these all helped to confuse the issue.:

- (1) The CSA now include savings from the reductions in Family Credit that result from maintenance. This wasn't included in the old figures and it bolsters 'savings' by about **£40 million** a year.
- (2) They now include reductions in Council Tax Benefit and Housing Benefit, which weren't included before. This adds another **£62 million** a year.
- (3) Two new fudges relate to what happens when PWCs stop claiming benefit and these account for over **£200 million** a year:
 - If the parents come to an agreement before an assessment is made which results in the PWC not claiming benefit, then the CSA claim a saving of 51 times the last amount of benefit paid.
 - When a PWC stops claiming benefit before an assessment can be made, the ceased claim is credited to the CSA and they claim 51 weeks worth of benefit savings.

About 5,000 Income Support claimants a month withdraw their claims after being contacted by the CSA. But many such claims by lone parents are inherently of short duration. The rules make it easier for lone mothers to claim Income Support than it is for them to sign on. So when a lone mother is between jobs, she claims Income Support and automatically becomes a CSA case; a few weeks later she gets a new job and stops claiming. **The CSA claim the credit and write down 51 weeks' worth of Income Support in their accounts! The same person could do this several times a year and a 51-week 'saving' would be made each time! What a scam...**

This last change to the benefit savings calculations was made in 1993 following the advice of consultants Price Waterhouse who had spotted the impending disaster.

11. "PASSED TO PARENT WITH CARE": THE TRUTH

The CSA will say that about 75 per cent of the money they collect is passed on to the parent 'with care'. Sounds good, but it's doubletalk. **What they really mean is that the maintenance is passed to the parent 'with care' and her benefit is then reduced accordingly. A technical point but it helps government soundbites and it stops badly informed MPs and journalists from squealing about all the money going to the Treasury.** We all know that it does, but some politicians are past masters at twisting their words.

12. WHAT THEY SAY ABOUT OUR FIGURES

When you wrote to a Tory MP about the fiddled benefit savings and Mitchell was in charge, you got a reply that attempted to rubbish our figures. He said:

- The CSA benefit savings are calculated on a different basis to the old system. (True, we've just explained the differences.)
- The old figures used for the Liable Relatives Unit included maintenance collected for separated wives and sponsored immigrants, and they can't split them out. (Partly true. The LRU *DID* collect for separated wives and sponsored immigrants, but the DSS also published a breakdown that showed that less than five per cent of their work was with these people.)

So the fact is none of this makes very much difference to the overall figures.

13. FRAUD DETECTION

Some politicians, notably Frank Field, have pointed to the number of parents 'with care' who withdraw benefit claims following the intervention of the CSA as an indication of its fraud busting potential. Sadly this just isn't true and Mad Frank is off his trolley yet again.

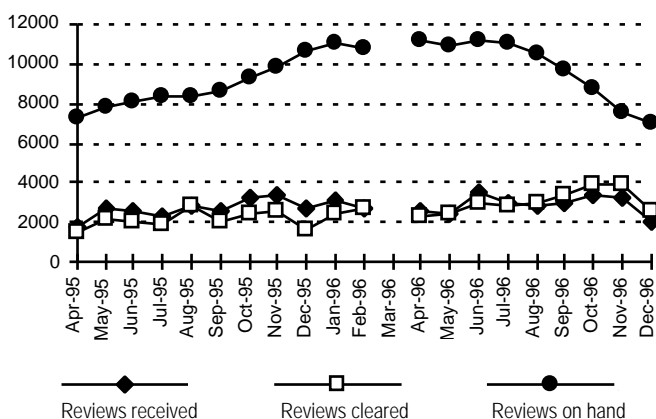
Firstly you have to consider the way in which the withdrawn claims are counted. If a case is withdrawn within four weeks (or eight weeks if it's 'good cause') of a communication by letter between the CSA and either parent, or a telephone conversation with either parent, then they claim the savings. But each contact starts the clock ticking again and in reality most cases continue to qualify forever. And if the parent 'with care' gets a job and stops claiming, the CSA claim the credit.

Even so, **the number of withdrawn benefit claims is LOWER than it was under the old LRU system.** Part of the reason for this is the way in which Income Support claims are processed. Under the old system a parent 'with care' would have been quizzed by the Benefits Agency at the time she applied for Income Support, no questions asked, before the CSA swing into action. **Sounds like an INCREASE in fraud to us.**

14. SECOND TIER REVIEWS

Few realise that there are some 3,000 second tier reviews every month and at the start of the year there was a backlog of 8,000 cases. Some 250/300 a month will go on to a tribunal where **86 per cent of decisions go against the CSA.**

EVERY MONTH 300 REVIEWS GO ON TO TRIBUNAL AND THE CSA LOSE 86% OF THEM



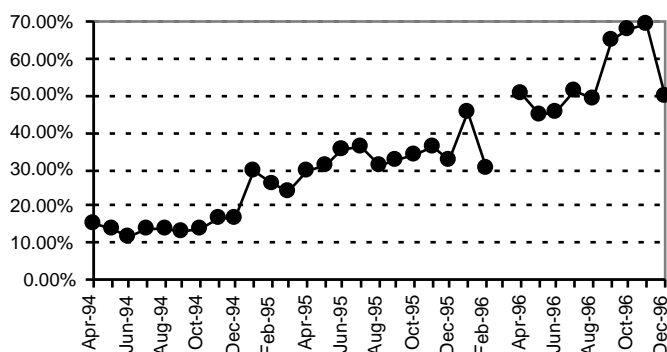
There are around 3,000 new second tier cases each month while the backlog this year has averaged over 8,000.

15. NUMBER OF GOOD CAUSE CASES

Surely with all the pressure the CSA exerts, the number of parents 'with care' who plead 'good cause' will have diminished. Not so. The number of 'good cause' cases as a percentage of all cases **has been steadily rising.** In fact they now constitute around two-thirds of all cases cleared by the CSA, so 'good cause' is now a bigger part of their workload than assessments.

Fictional savings

'GOOD CAUSE' IS A BIGGER PART OF THE CSA WORKLOAD THAN ASSESSMENTS

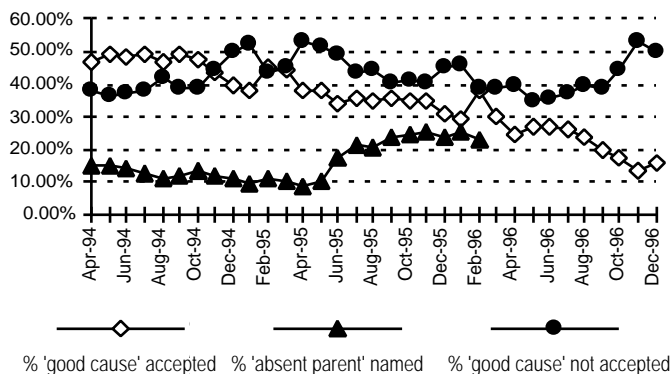


Despite CSA pressure, 'good cause' cases continue to rise and now form 60 per cent of their caseload.

16. GOOD CAUSE OUTCOME

The CSA have been trying hard not to accept reasons for 'good cause'. Yet despite greater 'reduced benefit' penalties, the number of 'good cause' cases has increased.

MORE PEOPLE APPLY FOR 'GOOD CAUSE', BUT FEWER GET IT

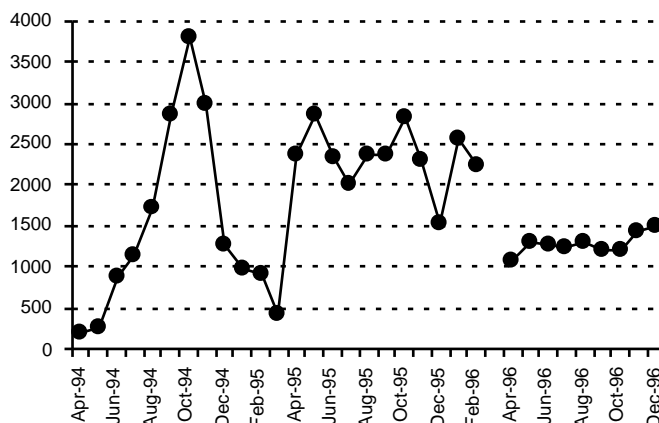


Clearly the CSA are determined not to recognise 'good cause'. Meanwhile so embarrassed are they at the number of 'parents with care' refusing to name fathers, they stopped issuing the figures in February 1996. NACSA News is seeking the information via a Parliamentary Question.

17 REDUCED BENEFIT DIRECTIVES

Reduced benefit directives are penalties applied to parents 'with care' who refuse to co-operate with the CSA without good reason. In April 1996 the penalty was increased to 40 per cent of the adult Income Support rate while the procedures were changed to allow RBDs to be imposed more quickly in cases of non-cooperation. Despite this, there has been a sharp drop in the number issued as CSA staff think more carefully about the impact that RBDs have on people's lives.

RBDs DECLINE AS THE CSA ACCEPT THE DAMAGE DONE TO CHILDREN



The CSA has to keep up the pretence of being here to support children. Therefore despite the steady increase in 'good cause' cases, the number of RBDs issued has in fact fallen.

IN CONCLUSION

The message that comes through from these five pages is a clear one, **NOTHING REALLY HAS CHANGED**.

- CSA income is no different to what it was under the old LRU system... hardly surprising when you consider that many of the assessments have simply passed from one system to the other.
- The number of cases handled hasn't reduced the backlog.
- The vast majority of cases are closed without assessment, despite the CSA's avowed intention of catching 'deadbeat dads'. Could it be the money just isn't out there?
- The CSA punishment service (IMAs) has ended up punishing the agency... by building a debt mountain of over £1bn.
- The CSA now issue DEOs without warning; hardly surprising when you consider the state of their administration. Yet the chief CSO confirms only 34 per cent of assessments are correct.
- Despite CSA claims, total savings against Income Support are now **LESS** than they were under the old LRU.
- There are around 3,000 second tier reviews and 250 tribunals each month. The CSA loses 86 per cent of tribunals.
- 'Good Cause' cases now constitute a far greater part of the CSA workload than assessments.

CHECK OUR FACTS

All the figures here are genuine DSS data. They come from:

- *Written Parliamentary Answers*
- *The CSA Quarterly Summary of Statistics – Nov 1996 (HMSO)*
- *The CSA Statistical Information – Deposited Paper Number 47 (House of Commons Library)*. Ask your MP for a copy.

If you're on-line you can access the Parliamentary Written Answers by looking on the Internet at: <http://www.parliament.the-stationery-office.co.uk/pa/cm/cmhansrd.htm>

Download a spreadsheet containing all the raw figures from the NACSA website at <http://www.scallywag.com/nacsa>

NO SATISFACTION

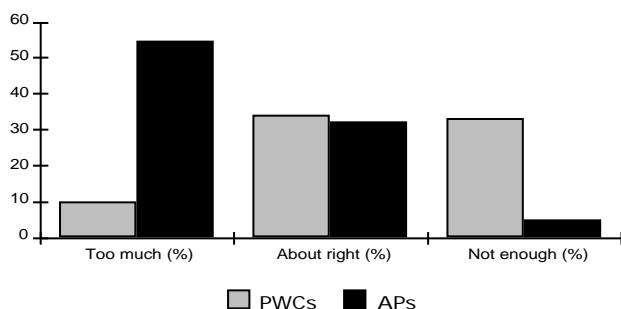
The CSA National Client Satisfaction Survey is a study done every year by independent researchers into the views of CSA victims about the service (below). Having discarded all of the trivia, you come across some very interesting facts.

ATTITUDE AND AMOUNT

Each year the survey asks 'absent' parents a set of questions about their attitude towards paying maintenance. It's quite clear that people don't object to paying as such. One said: "I agree with supporting my children, but I don't see why the money I pay, or which gets taken out of my salary for my children, should go on a new motor bike for my ex-wife's new partner."

When people were asked to comment on the amounts of maintenance they're being asked to pay (or which they receive) the result seems to reflect the fact that a third of 'absent' parents now pay more, a third pay the same, and the rest pay less.

SATISFACTION WITH AMOUNT PAID



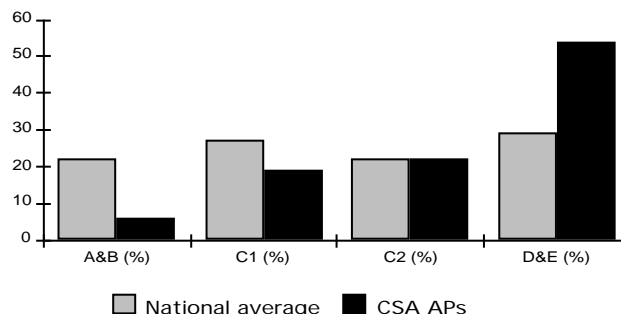
CLIENT PROFILE

These figures certainly don't support the view that non-compliance is down to people's refusal to pay. So what is it? The Child Support Agency Satisfaction Survey includes a breakdown of the socio-economic groups of the client base (that is, the earning power of those involved).

And if you look at the 'absent' parents, this is what you find. The black bars show the percentage of CSA 'absent' parents in each socio-economic group (As are highest, Es lowest) and the grey bars show the national average. It's clear looking at the chart that CSA 'absent' parents are far more likely to be low earners and in unstable employment and the Agency just can't keep up with their rapidly changing job circumstances.

In short, if you are in a low paid job and the CSA takes a large slice, then you are more likely to become unemployed.

UNPREDICTABLE EMPLOYMENT



HOW ATTITUDES ARE CHANGING

The CSA was meant to correct the bad attitude of all those 'deadbeat dads'. So where are they?

Question	Year	Agree (%)	Don't know (%)	Disagree (%)	Verdict
Fathers (mothers) have an obligation to pay towards their children	1992	89	5	6	No change. still no evidence that fathers want to welsh on their obligations – or ever have
	1994	89	9	4	
	1995	93	4	3	
Someone should only pay maintenance if they can be sure it's being spent on the children	1992	76	8	16	People feel even more strongly about being able to make sure money is spent on the children
	1994	84	6	8	
	1995	87	5	8	
It's difficult for people to pay maintenance if they have got a new partner or family.	1992	58	24	19	The CSA debacle has served to highlight the difficulties faced by second families
	1994	83	11	6	
	1995	82	12	6	
If the parent looking after the child is better off, then the other parent should not have to pay	1992	52	20	29	Fathers are growing more aware of their on-going commitments
	1994	55	15	30	
	1995	48	13	39	
If someone is not allowed to see the children, they should not have to pay any maintenance	1992	41	22	37	Fathers are becoming more aware of the link between access and maintenance
	1994	58	14	28	
	1995	57	15	28	
If the PWC was to blame for the breakup, then the AP shouldn't have to pay maintenance	1992	31	18	50	No change in this contentious area
	1994	31	16	53	
	1995	28	15	57	
It is better to buy clothes or presents for children than to pay regular maintenance	1992	26	23	51	People are becoming more likely to want to know where the money is going
	1994	41	19	40	
	1995	37	16	47	

WITHDRAW!

Guidelines for success

Over the past three years, many parents 'with care' (PWCs) have been pressured by the CSA into giving their authority for the agency to act, usually via (misleading) threats that they will lose all their benefits if they don't. However, parents are now far better informed and it's hardly surprising that many have since decided to withdraw their authority.

PWCs who are *NOT* on a proscribed benefit have the right to withdraw at any time and the CSA cannot stop them (although arrears that accrued while she was on benefit in the past will have to be dealt with). But PWCs who are on benefit *NOW* have different problems.

In bald terms they simply have to let the CSA know they are withdrawing their authority for the agency to act. They also have to give what's known as 'good cause'... reasons for taking this action that are believable and consistent. If there is no reaction to start with (the agency is notoriously bad at giving progress information on these cases) they should keep agitating. If the CSA refuses to respond – or says it can't be done – PWCs can ask their MP to forward a letter, making it hard for the agency to ignore the request.

The CSA may suggest a meeting at which they will try pressuring the PWC into changing her mind; in that case it helps to have someone alongside who knows the ropes. Alternatively the PWC can insist that all communication be conducted via letter. At the end of the day, the CSA have a policy of believing a PWC as long as the story is plausible and consistent; it's also agency policy to err on the side of caution – i.e. to accept 'good cause'.

The applications for withdrawal that fail are usually the ones where the PWC has *NOT* responded to the agency's letters. If they plead a plausible case and respond to CSA communication, then the odds are they'll eventually get what they want.

If 'good cause' is not accepted (usually because the PWC has failed to respond to CSA communications and therefore not pleaded her case), there's about a 50/50 chance of her getting what's known as a Reduced Benefit Directive

NACSA campaigners often come across parents 'with care' who simply don't realise that they can withdraw their permission for the CSA to act. Although the rules are (deliberately) kept unclear, NACSA News feels it useful to spell out the guidelines that, according to the Child Support Agency themselves, appear to give parents 'with care' the best chance of withdrawing.

(RBD). Here the CSA sets out to 'punish' PWCs who withdraw their authority by docking 40 per cent from their weekly income. This continues for three years, after which the CSA is supposed to reconsider the case (but in fact probably won't, the order will just renew automatically). However, the PWC can appeal against the RBD on the grounds that it will cause hardship and suffering to the child(ren) and she may even be able to arrange a 'top up' from the DSS.

If the 'punishment' stays it is often worth the 'absent' parent agreeing to make up the loss. Some PWCs find this a very efficient form of blackmail... threatening the 'ex' that is he doesn't toe the line, she'll return to the CSA.

If the PWC does *NOT* appeal against a Reduced Benefit Directive, it will be assumed that the parents were colluding and the case will be referred to the Benefits Agency for a fraud investigation. It is therefore vital that PWCs appeal in such circumstances.

'GOOD CAUSE' ACCEPTED

- Top of the CSA's list for allowing 'good cause' is fear of violence. Showing CSA officials the damage done to the house by an ex-partner (broken windows, etc) will usually have an instant effect and if communication is being conducted by letter, a photograph will certainly help.
- The negative effect the CSA is having on children's lives is another strong area. Officials should be informed if there is re-

cent and unusual evidence of bed wetting, nightmares, and difficulties at school (e.g. poor work/bullying).

- Other out of character problems can also be cited... frequent crying, a tendency to shut off from life, stealing, swearing and so on. (Note: the CSA is unlikely to investigate.)

'GOOD CAUSE' REJECTED

The following are unlikely to work...

- "I was hoping we'd reconcile but this will drive him away."
- "He can no longer afford to pay for clothing / school fees / holidays / the little extras."
- "He can't afford to visit them as much as he used to."
- "The CSA doesn't leave him enough money to live his own life."
- "These demands will destroy him... I'm afraid he will take his own life."

COMMUNICATING WITH THE CSA

- PWCs are more likely to succeed if they come over as not very bright... i.e. they can't write very well or fill in forms properly. But.. if the CSA pay a visit, the house must convey the same impression.
- Many find it difficult writing letters and they should be encouraged to seek assistance. **But beware, the CSA is used to receiving standard letters put out by NACSA groups and will probably reject them; it's vital that letters are created from scratch.** They should be kept brief – ideally to one sheet of paper.

So far as CSA officials are concerned, our lives are their targets. Every case closed is another goal reached. Provided they feel the story they are hearing fits within their terms of reference (whether they believe it or not) they are likely to close the case and move onto the next. ■

• In a landmark tribunal in Portsmouth, it was established that a PWC can withdraw her authority for the CSA to act, at any time and for whatever reason. This ruling was not appealed and for the latest information, campaigners should contact **Rob Wilson of Coffin, Mew and Clover in Gosport, Hampshire – on 01705 523111.**

NACSA's Rough Guide to SELF ASSESSMENT

The commonest question campaigners get asked is "have the CSA got my assessment wrong?" – and very often the answer turns out to be 'Yes'. They get it wrong because the formula they use is so enormously complex – and that's also the reason why so few of us are able to double check the figures for ourselves.

But not now because here is a self assessment calculator that almost everyone can employ. It won't cater for EVERY situation because adding-in all the more obscure data would detract from its ease of use. However, it will work for the vast majority and produce a result that's within a few pounds of the CSA version. So if the difference is much more,

chances are the CSA have cocked it up once again.

If your result seems wrong and/or your case is a complex one, then we can check it for you. Just write down all the relevant details (including phone number) and send it with an sae to: *Emma Best, 63 Craigwell Avenue, Aylesbury, Bucks HP21 7AG.* There's also a self-calculating version (in Excel). Just send a PC disk to *NACSA Milton Keynes, PO Box 3159, Fishermead, Milton Keynes MK6 2YB.*

Finally, when you're using the calculator remember that the sums of money you input must relate to WEEKS and not months. If you have something in months, just multiply it by 12 and divide by 52 for the weekly equivalent.

The NACSA Self Assessment Calculator was produced for NACSA News by Aylesbury's Emma Best. All information and data was correct as at 1 August 1997.

MAINTENANCE REQUIREMENT	
The first calculation in the CSA formula is called the Maintenance Requirement. In most cases the Maintenance Requirement is made up as follows:	
Carer's Allowance (see Notes, on) This amount is based on the age of the youngest child for whom maintenance is being sought. • If youngest child is under 11, it's £49.15 • If youngest child is aged 11-13, it's £36.86 • If youngest child is aged 14 or 15, it's £24.58 • If youngest child is aged 16 or over, it's NIL Enter here whichever amount is correct for you	
Child Allowance Current Income Support rates are as follows: • Child under 11, £16.90 • Child aged 11-15, £24.75 • Child aged 16-18, £29.60 Enter here the total amount of Child Allowance for all children for whom maintenance is being claimed	
Family Premium (see Notes, on) Enter here the sum of £10.80	
Lone Parent Premium (see Notes, on) If the 'parent with care' has no partner, enter here the sum of £5.20	
Enter here the total for all the above boxes	
Subtotal	
Child Benefit Current Child Benefit rates are as follows: • First child, £11.05 • Every other child, £9.00 each Enter here the total for all children involved	
Subtract the total Child Benefit from the <i>Subtotal</i> above it, enter here and you will get the Maintenance Requirement	
Notes The above applies in most cases. But take into account the following if your child is disabled and/or the 'parent with care' has other children for whom the Agency are chasing someone else. • If your child is disabled or registered blind (according to DSS rules) add £22.40 (per child) to the Maintenance Requirement. • If the 'parent with care' also looks after children of hers by someone else with whom she is not now living, divide the Carer's Allowance, Family Premium, and Lone Parent Premium (if applicable) between the number of 'absent parents'.	
NET INCOME	
Now we'll work out your net income (which here includes a deduction for pension payments).	
Gross Weekly Income Enter here the average amount you earn per week BEFORE any deductions (i.e. NOT including deductions for tax, National Insurance, and so on). Amount 1	
Average Tax Enter here the average amount of tax you pay each week Amount 2	
Average National Insurance Enter here the average amount of National Insurance you pay each week Amount 3	
Pension Contributions Enter here HALF of any pension contribution you make each week Amount 4	

SELF ASSESSMENT CALCULATOR 2/3

Add together *Amounts 2, 3 and 4*, subtract that total from *Amount 1* and enter here. This is your **Net Income** (TOTAL 1)

EXEMPT INCOME

Here we work out the money they give you to live on. Multiply any monthly amounts by 12 and divide by 52 to get the weekly equivalent.

Adult Income Support Rate
Enter here the sum of £49.15

Income Support Rates for your own children living with you (see Child Allowance, Page 1)
(1) If the other parent of your child(ren) lives with you and is working or not filling in details on the CSA form, enter here half of the Income Support rate(s) for your child(ren)
(2) If the other parent of your child(ren) lives with you and does not work, enter here the full Income Support rate(s) for your child(ren)
(3) If the other parent of your child(ren) does not live with you, enter here the full Income Support rate(s) for your child(ren)

Capital Repayment Mortgage
Enter here the weekly amount – OR

Rent or Mortgage Interest
Enter here the weekly amount – PLUS

Amount of Endowment (or Pension) linked to Mortgage
Enter here the weekly amount

Travel to Work
If you travel more than 150 miles a week to get to and from work (as the crow flies) then for every mile over 150 miles add 10p (e.g. 200 miles = £5.00). Enter here the weekly amount

Lump Sum or Property Settlement
This relates to any lump sum or property settlement you may have given an ex-partner by Court Order for the benefit of the child(ren). However the rules are complicated and designed so most applications fail. If you feel confident about your case, then if you gave £10-20,000 enter £20; £20-50,000 enter £40; £50,000 plus enter £60

Add together all the above amounts and enter here. This is your **Exempt Income** (TOTAL 2)

Subtract TOTAL 2 from TOTAL 1 and enter here. This is your **Assessible Income** (TOTAL 3)

PROVISIONAL ASSESSMENT

Now it is time to find your Provisional Assessment. Note that if your present partner refuses to give details you will receive an Interim Category B assessment, which may not turn out to be any more than a Full Assessment.

Maintenance Requirement (see Page 1)
Multiply it by 2 and enter here (TOTAL 4)

• IF TOTAL 4 IS MORE THAN TOTAL 3
Divide TOTAL 3 by 2 and enter it here. This will be your **Provisional Assessment** (TOTAL 7a)
• IF TOTAL 4 IS LESS THAN TOTAL 3
Subtract TOTAL 4 from TOTAL 3 and enter it here (TOTAL 5)

Number of children you are paying for
• 1 child, 15%
• 2 children, 20%
• More than 2 children, 25%
Apply the relevant percentage (from above) to TOTAL 5 and enter here (TOTAL 6)

Add TOTAL 6 to the Maintenance Requirement (Page 1) and enter it here. This is now your **Provisional Assessment** (TOTAL 7b)

PROTECTED INCOME

We now find out if your income after paying the Provisional Assessment (TOTAL 7a or TOTAL 7b) is more than you would get on benefits – by calculating your Protected Income.

If your new partner has earnings, the CSA wants these included in the calculation. But if you find (below) that it makes no difference to your Maintenance Assessment, there is no point in your partner providing details. The CSA will then perform an Interim Category B assessment which means they will do the calculations you've just done but not the one for Protected Income. The result will not affect your assessment.

They will say they need your partner's income details or your assessment could be higher. Ignore this if you know it isn't true.

Your Net Income
That's gross income per week, less tax and National Insurance and half of any pension payments. Enter the weekly amount here

Your New Partner's Net Income
Again that's gross income per week, less tax and National Insurance and half of any pension payments. Enter the weekly amount here

Child Benefit Received
Enter the weekly amount here

Maintenance (or any other) Income Received
Enter the weekly amount here

Add all these together and enter here to get the **Total Income Available** (TOTAL 8)

Income Support Allowances
The allowances are as follows:
• Single adult, £49.15
• Adult couple, £77.15
• Child under 11, £16.90

SELF ASSESSMENT CALCULATOR 3/3

- Child aged 11-15, £24.75
 - Child aged 16-18, £29.60
 - PLUS
 - If you have at least one (step or natural) child living with you, add £10.80
 - If you live alone and have at least one (step or natural) child living with you, add a further £5.20.
- Calculate from the above and enter here the total amount that you would receive on Income Support

Weekly Rent or Mortgage (interest only)

Enter the weekly amount here

Council Tax

Enter the amount here (remember to multiply monthly amounts by 10 and divide by 52 to get the weekly equivalent)

Travel to Work costs

Enter the weekly amount here (see Exempt Income earlier)

Incentive to Work (sic)

Enter £30 here

Add together all the above amounts and enter here **(TOTAL 9)**

The 30% rule

As a second level of protection, the CSA cannot take more than 30% of your Net Income (calculated earlier this Section). Apply that percentage and enter here **(TOTAL 10)**

FULL ASSESSMENT CALCULATION

Just a few more calculations and you'll have your Full Maintenance Assessment.

Subtract *TOTAL 9* from *TOTAL 8* **(TOTAL 11)**

Calculate 15% of *TOTAL 11* and enter here **(TOTAL 12)**

Add *TOTAL 9* to *TOTAL 12* and enter here to give you your **Protected Income** **(TOTAL 13)**

Subtract *TOTAL 13* from *TOTAL 8* and enter here **(TOTAL 14)**

Your Full Maintenance Assessment will be the LOWER of TOTALS 7, 10 and 14.

AND FINALLY...

- Be aware that if the 'absent parent' has his or her child(ren) to stay overnight for 104 or more nights per year, then the amount payable will be substantially reduced.
- To keep this calculator simple we have ignored ex-partner earnings (which usually have little impact on payments) and omitted small amounts that affect assessments by only a few pounds.

General advice on dealing with CSA assessments

IF YOUR CSA ASSESSMENT IS WRONG...

If the figure you come up with looks a lot different to the one the CSA have given you, then (1) double check you own figures and if you're sure they are correct, (2) write to the CSA by recorded delivery and tell them you want a 'review for error'. They will probably write back to tell you the review has been refused. You then write to say you wish to appeal to a Tribunal; write too to the Independent Tribunal Service at Salford to lodge your appeal. Tribunals are often friendly places and they sometimes discover errors the CSA have made which you may not have noticed. What's more they pay your expenses plus recompense you for loss of earnings and each Tribunal costs the CSA several hundreds of pounds.

ORIGINAL DOCUMENTS

The CSA will insist you send original documents (wage slips, mortgage details, etc.) with assessment forms as opposed to photocopies, even though their ability to lose such things (and deny ever receiving them) is legendary. Avoid this impasse by using your local CSA office. They CAN photocopy documents and send them to the Centre with their verification that they are true copies of the original documents – so when the Centre loses them, your local office can confirm they've been sent.

UNREPRESENTATIVE PAYSLEIPS

If the CSA enter your life at a time of unusually high earnings, they are meant to accept the fact that this is an exceptional situation and use your normal earnings instead. They very rarely do and often we hear of victims having to refuse all overtime, just so they can send in 'normal' payslips. But if your boss writes a letter stating what your normal earnings are, the CSA quite often accept this in lieu of payslips. If they don't, *GO TO A TRIBUNAL*. As long as your subsequent wage slips are at the lower rate, the Tribunal will rule in your favour.

NEW PARTNER'S EARNINGS

One of the biggest causes of ill feeling among second families is the demand that new partners give the CSA details of what they earn. No amount of argument can detract from the feeling that they are paying for a previous partner's children (as in effect they can be in some situations). Therefore use this calculator and work out at an early stage whether or not their earnings will make any difference to an assessment. If they don't, then ignore Agency requests and don't pass on the figures. You will receive instead an Interim Category B assessment.

COURT ORDERS

If you have a court order for child maintenance it pays to be as slow as possible with filling out the form. That's because where there is a court order the assessment does not commence until the order has been made. But take care when you 'go slow' for they may slap an interim order on you. They must however send a letter threatening to make an interim order before doing so.

AGREEING THINGS WITH THE CSA

Don't believe a word the CSA say unless you have whatever it is **in writing**; promises made over the phone are not worth the candle. If you have a question, ask it in writing, send the letter to the CSA by recorded delivery and mail a copy of it to your MP. ■

An Employer's Guide to dealing with the CSA

Before the arrival of the CSA, no organisation in this country had been able to impose a Deduction from Earnings Order (DEO) without first going through the courts. Taking money from source is a very serious matter and up until then it had always been thought essential that steps be taken to ensure the individual concerned could continue to survive financially. With the coming of the 1993 Child Support Act, this essential safety net for those at work was at a stroke deliberately removed.

Since the arrival of the CSA, deduction orders have flowed thick and fast, allowing officials to extract often quite unrealistic sums of money direct from employers while hapless employees have been left to whistle in the wind, full in the knowledge that if and when their appeal does eventually arrive, in most cases nothing will occur to their advantage – and even if it does, any over-payments will have to be fought for, usually with the help of an MP and almost certainly over a long period of time.

Up until now this has led employees into taking two courses of action... (1) having every DEO scrutinised minutely and using any error, no matter how slight, as the basis for trying to persuade magistrates courts to have it declared invalid, and (2) leaving work and going onto state benefits (often at the suggestion of CSA officials) – it's becoming apparent that over 60 per cent of all those served with a DEO by the Agency become unemployed within three months and of these over 65 per cent will never work again.

It's hard to imagine a more wretched and undesirable scenario for everyone concerned; the Treasury will have less tax to collect while the DSS will face the additional burden of having to pay out benefits to support victims of the CSA.

Recently however it's become clear that companies are by no means obliged to kow-tow to the demands of the Agency... indeed by so-doing it's debatable that they may actually be breaking the law.

THE CSA'S APPROACH

The CSA will first contact the company by telephone and pretend to be the DSS; normally callers will not divulge their surnames or where they are phoning from. They will ask details about an employee and try to get as much information as possible over the phone. But...

• An employer is legally obliged to first talk to an employee, before even acknowledging to the calling party that the employee works there. Any threats made by the caller at this time are entirely hollow.

If the employer correctly refuses to give information over the telephone, the CSA will probably send out form CSA154; this

Britain's employers should read this report very carefully indeed because, not only are they being bamboozled by the Child Support Agency, they are also leaving themselves open to the possibility of legal action being brought against them by disgruntled employees. No-one really knows what will happen when European law comes into play but it's better to be safe than sorry.

requires that information be sent in writing. The company is well within its rights to not comply with this request. In short...

• A company is not legally bound to complete and return form CSA154.

If form CSA154 is not completed and returned by the company, the CSA will probably telephone to say that failure to comply will be breaking the law, but in fact...

• Failure to complete and return form CSA154 is NOT breaking the law. Indeed, CSA staff are not allowed to make threats of this kind. (It is recommended that the name of the CSA employee be recorded and an official complaint be made to both the CSA and local MP.)

In fact in most cases if the company fails to return form CSA154, a 14 day reminder will be sent out by the CSA. If the employer continues to refuse to co-operate with the CSA then, according to Child Support Manual Amendment 8...

• the CSA must then stop trying to trace the 'absent' parent through the employer.

Any call made by the CSA to the employer must be recorded on form CSA555 and the CSA are advised in the Child Support Manual to... 'be cautious with the approach – the person we are trying to contact may not even be the 'absent' parent. Positive identification of the person being traced and confirmation of employment with the employer is vital'. They will probably tell the employer that the address is required in connection with a DSS matter of some kind. They are unlikely to refer to the CSA in any way.

• If unsure, the employer can easily see if the 'DSS call' in fact came from the CSA by studying the franked return envelope that comes with form CSA154. If it did the envelope will show one of the following Child Support Agency Centre reference numbers:

RE18F(CSE1) - Hastings
RE18F(CSE2) - Dudley
RE18F(CSE3) - Falkirk
RE18F(CSE4) - Belfast
RE18F(CSE5) - Birkenhead
RE18F(CSE6) - Plymouth

The employer is advised to look for this reference number as the form is usually only a photocopy and often comes without a

Employers should protect staff

letter heading. But it is important that he does this, because...

• **he may be about to supply private and confidential information about an employee to the Child Support Agency, without that person's permission. The error would be compounded should the employee in question turn out not to be the 'absent' parent being sought by the CSA.**

If the CSA think that further tracing action through an alleged employer is worthwhile they will issue the employer with form CSA155, an Earnings Enquiry form. This states that the employer has a legal obligation to fill in the form within 14 days. However...

• **The employer can ignore form CSA155 and wait for the CSA to go to Court to appoint an Inspector. Phone calls from the Agency are likely to continue during this time, but they can be classed as nuisance calls. Indeed the CSA can actually be prosecuted if they continue after having been told to cease and desist.**

If an Inspector is appointed by the Court he may send the employer a warrant (CSA607). This document must always contain precise details of:

- exact nature of the Inspector's business
- specific period for which the warrant is held
- name of the person information is sought from
- name of the person information is sought about

• **At this point, employers can be FORCED by form CSA607 to hand over the information required by the CSA. To refuse may lead to enforcement action being taken against the company.**

KEEP STAFF INFORMED

Often in bigger organisations pressure brought by the CSA results in instant capitulation by personnel staff. They are not used to receiving phoney threats from government agencies and they will automatically assume that whatever the CSA demand must be complied with immediately. It is imperative therefore that higher management are made aware of the information contained here and they act quickly to ensure that all relevant members of staff are kept fully informed of the possible implications of any action they may take.

Standing up against the CSA like this may seem a long and tedious process, but it is certainly not pointless. From a company's point of view, action of this kind may prevent the loss of key staff and will most probably protect its interests from a legal standpoint. It may also prevent further cases of severe hardship of the kind the CSA continues to inflict on employees and their families throughout Britain. ■

Thanks to NACAPS for supplying the information.

In Summary

1. You can refuse to acknowledge the CSA 'client' works for you.
2. You can refuse to fill in form CSA 154 (Information Personal Details).
3. You can refuse to fill in form CSA155 (Earnings Enquiry).
4. You can refuse to take any unsolicited calls from the DSS/CSA and can tell them that if they continue you will prosecute them under the Telecommunications Act of 1968 for harassment over the telephone.
5. Wait until an Inspector is appointed and then be *FORCED* to hand over the information.

These steps are important both for employer and employee. Carrying them out will clear the employer of any liability in subsequent compensation claims in the likely event of the CSA's workings being found illegal in the European Courts. Proof these steps have been taken can be used to back subsequent compensation claims by the employer against the CSA for loss of revenue should the employee become unemployed as a result of their actions. Such a claim could include:

- Money wasted spent training the ex-employee
- Loss of income/orders due to an employee's enforced departure
- Cost of training a replacement employee.

One final piece of advice... always insist on receiving *ORIGINAL* forms from the CSA, including the name, position and location of the Child Support Officer sending them. Photocopies are *NOT* official documents and the CSA have a habit of mixing and matching photocopied forms to obtain as much information as possible. For instance, you'll find that the Earnings Enquiry back page of CSA154 is usually tagged onto the back of CSA155. Forcing them to use virgin copies of forms puts a stop to this subterfuge.

BRADSHAW

On the CSA

I am very pleased to have been invited to talk to you about the Child Support Act... As MPs in regular touch with your constituents, I am sure that you are as well informed as anyone about the operation of the Act. I have come in the expectation of finding out more about what you think of the Act and in order to provoke a discussion I have prepared a few introductory remarks.

NO REAL RESEARCH

With the exception of a small study being undertaken by Craig and others, funded by the Joseph Rowntree Foundation, and the DSS customer surveys, there has as yet been no substantial research into the Act. However, the DSS has just commissioned a major evaluation from Professor Walker at CRSP at the University of Loughborough.

With Jane Millar I was responsible for the study of lone parent families that produced much of the evidence about payment of maintenance that was used to inform the White Paper. But that was entirely providential – that study was not intended to inform the issue of child support... Nevertheless it provided a good deal of information about the proportion of lone parents receiving and the level of maintenance being paid.

I am presently carrying out the first ever national survey of fathers living apart from their children. This is in the field at the moment, funded by the ESRC, with results due at the end of this year. Maintenance is one aspect we are covering in the study, but only one. It is concerned with the circumstances, incomes, employment, housing conditions, contact arrangements and beliefs, attitudes and aspirations of the fathers. Indeed it is primarily a study of fathering. Because it is still in the field I am not able to give you any data. However from our pilot work there are three impressions that I would like to share with you.

(1) Fathers apart feel very hard done by. There is an enormous amount of sadness, anger and frustration out there. It is not necessarily focused on the CSA because in fact the CSA has as yet still not had much impact. It is focused on problems of access to children. They sense they are seen

as villains when they feel they are victims.

(2) The attempt in the Act to separate the whole issue of contact from that of financial support is doomed to failure. I am certain that the feeling of injustice in relation to the Act is related to disputes about contact. Fathers just cannot understand why one agency of government insists that they pay child support

In 1996, the all party committee on the Child Support Act had a talk from Professor Jonathan Bradshaw, director of one of the top social policy research units at the University of York, and a friendly MP passed on this transcript of what he had to say. It's a superb document that should be required reading for all MPs.

when another agency of government fails to protect their rights to have contact with their children.

(3) As I said it is just as well that our study was not set up as an evaluation of the CSA because only a minority of the fathers have had any contact with the Agency and very few have completed the whole operation of assessment. So the extent to which we are able to assess the CSA is limited. However from pilot work we get the following impressions.

Fathers apart are appalled at the chaos of the CSA procedures. While they agree that they have a financial obligation to their children, their understanding of fairness leaves them outraged at the spousal (carers) element in the formula, particularly if they think that the caring parent was responsible for the breakdown of the relationship. They are angry about retrospection and the failure to take account of capital transfers (modified by the new Act).

They believe the level of the awards is too high, especially where the caring parent has re-partnered and is relatively well off. They think that it is wrong that the formula takes no account of their responsibilities to step children, or the problems and costs of contact (now modified), or shared care unless it is more than half-time care. The fact that their former partners receive none of the benefit of the child support if they are on income support is also a factor that discourages compliance.

I am sure that these causes of dispute are familiar to anyone in contact with fathers apart.

SOME LESSONS FROM ABROAD

As you know the Child Support Act was influenced by some very unsatisfactory lessons learned from the American and Australian experiences. Senior civil servants, members of the Labour front bench and the Social Security Committee are still seeking to learn lessons from abroad, particularly from the Australian scheme. I think that the Government and the Social Security Committee were reassured in their most recent enquiry by an Australian senior civil servant who told them that their scheme

Fathers feel hard done by and just cannot understand why one agency of government insists that they pay child support when yet another agency of government fails to protect their rights to have contact with their children.

was beginning to “settle down”.

This is not what I understand from my contacts in Australia. Less than half of eligible cases are being assessed successfully, the courts are overwhelmed with disputes, the fathers's campaign is still making an enormous impact and the debate there has a level of anti-feminist viciousness not experienced

Court-based systems work best

here. This is possibly because the Australian formula is thought to encourage women to leave relationships.

It is worth reminding you that the Australian scheme is still very different to ours. It is not retrospective, takes account of capital settlements, has a quite generous disregard, is supposed to be collected and delivered automatically via the tax system and is part of a system of job search, training and child care provision designed to get lone parents into the labour

market. These efforts have been extended in the new employment measures that are being implemented in Australia.

The relationship between child support and lone parent employment is critical; one of the intentions of the Act is to increase lone parents' labour supply. With colleagues I have just completed a comparative study in 20 countries of how lone parents can be encouraged and enabled to work. Britain has the lowest lone parent labour participation (after New Zealand) of all the countries. It has the lowest full-time participation of any country. It is unusual in having a lower labour participation rate among lone mothers than married mothers and at a time when the participation rate of married mothers has been increasing, the participation of lone parents has been declining.

The study included a comparison of child support arrangements (though they were not the focus of the study). It is amazing, in designing the Child Support Act, how little attention was paid to European experience. We have found that the countries with the most successful child maintenance regimes are those where the decisions are made between the partners with the support of an adjudication body (almost invariably the courts) and where the award made, or some part of it, is forwarded or guaranteed by the state independently of whether it is paid. Belgium, Germany, Denmark, France, Luxembourg, Austria, Finland, Sweden and Norway all have mechanisms of this type. With the exception of Germany they all have the majority of their lone parents in employment with only very small proportions receiving social assistance.

There is a chicken and egg situation here. A reliable maintenance regime enables lone parents to work but it is also very difficult to run a reliable maintenance regime when 70 per cent of your lone parents are on income support. Or rather it is very difficult for social security officials to run a maintenance

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guarantee on a mass scale. It is certainly not the case that all the problems of adjudication, collection and enforcement have been dealt with in European countries, but we certainly have something to learn from their experiences – particularly the advanced maintenance regimes. We are hoping to undertake another comparative study, specifically on child support in Europe.

CHILD SUPPORT: THE FUTURE

I suppose the crucial question

about the Child Support Act is whether it should be repealed or reformed. With the benefit of hindsight surely everyone would agree that it was a thoroughly ill-conceived set of proposals, badly scrutinised by Parliament and appallingly implemented. Surely no one would want to go down that path again. If we were starting once more the obvious approach would be to strengthen the performance of the courts, establish better mechanisms for collection and enforcement, and most importantly to give the liable relative responsibilities of the DSS more priority.

The original scheme has been reformed in small ways. (I do not think that the cause of reform was particularly well served by leaving the Social Security Committee of this House to become, rather curiously, the arbiters of reform.) There are many people who hope that the reforms will be enough for it to work – perhaps not at the level originally intended but well enough and with as little political difficulty as to be able to avoid further reform. This is the Government position I imagine.

There are others who believe that a formula driven scheme is fundamentally right, that it was right to take it out of the courts, and that with further reforms - to make it more like the Australian scheme - it will work. This as I understand it is more or less

the Labour front bench position.

Then there are those who believe that the routine application of standard formulas, with however much flexibility at the edges, can never do the adjudication job with justice to the circumstances of all parties. They are begin-

ning to argue that adjudication should be taken out of the scheme and put back to the courts – or even possibly become a matter to negotiate during the mediation period of the new Divorce Bill. Collection and enforcement could remain a responsibility of an organisation like the Child Support Agency. This is the position of the Liberal Party and many others involved in the issue and,

The original scheme has been reformed in small ways. I do not think that the cause of reform was particularly well served by leaving the Social Security Committee of this House to become, rather curiously, the arbiters of reform.

The changes... too little, too late

I think, most of those who are members of this Group.

In making a judgement broadly in favour of the latter position I am influenced by the comparative evidence already discussed, my understanding of what is going on on the ground (which is partly based on research evidence) and my own views about what it is feasible for government in a democracy to attempt to achieve. I will deal with the two latter points in turn.

CSA OPERATIONS

The inescapable fact is that the Child Support Act is failing to deliver on any of its stated objectives. This is still the case after two major amendments to regulations and an amending Act, three select committee reports, two critical reports by the National Audit Office, another by the parliamentary Ombudsman and the associated select committee and the Public Accounts Committee, critical reports by the agency of its achievements, a change of chief executive, and the removal of a vast number of clients.

If the Liable Relative Unit had been allowed to continue operating it would by now have saved £1 billion more in public expenditure than the CSA has achieved. The CSA is costing three times more than the LRU to run.

The Act sought to increase the number of lone parents receiving regular maintenance by 200,000 (a fairly modest objective as there were over a million at the time and only about a quarter were receiving maintenance). The proportion of lone parents receiving maintenance may well have gone down since the Agency began operating.

The number of assessments undertaken by the Agency is not picking up and there is no evidence that these are being matched by benefit savings; 43 per cent of fathers are assessed as having nil earned income and 25 per cent are on Income Support. Non compliance and collusion are certainly more common than they should be on the issue of 'good cause' and the benefit penalty, and on the failure to return forms, make payments and generally co-operate with the Agency.

Arrears totalled £738 million by last September and are increasing at the rate of £47 million per month; 65 per cent of them are due to interim assessments. By the next election they could be in excess of £2 million, with large numbers now liable

The fact is that the Child Support Act is failing to deliver on any of its stated objectives. This is still the case after two major amendments to regulations and an amending Act... plus reports from the select committee, the National Audit Office, the parliamentary Ombudsman and the Public Accounts Committee.

However the adjudication part of the Act is reformed, I doubt whether the constituency of mothers and fathers are now ever going to co-operate with the officials of the CSA – and without that the Act is unenforceable.

to imprisonment for debt.

The changes made in the new Act are too little and too late. The introduction of limited discretion is merely likely to overwhelm the Agency with appeals (in Australia the appeal level is 7 per cent). I find it difficult to see how the intentions of the Act will ever be achieved and I am appalled at the continuing damage that this legislation will make for mothers, fathers and children without any obvious benefit to the public purse. I fear that when the evaluation study by the

DSS is eventually published it will reveal that the behavioural consequences of the Act have been quite extraordinary - fewer fathers in employment, many more 'absent and untraceable', fewer in contact with their children, long settled relationships disrupted, less informal financial support of children, fewer taking on new partners, more new partnerships breaking down, and so on.

The way the Act is now being operated (for entirely operational reasons) is grossly inequitable between new and existing recipients of means tested benefits, between new and existing lone parents and between those in receipt and not in receipt of means tested benefits.

FEASIBILITY OF THE SCHEME

Perhaps if the Act had been more like the Australian scheme, if the law had been informed by a modicum of empirical knowledge of fathers apart rather than a set of attitudes that simply demonised them, if in reality it had put the needs of children first, if it had not become locked into the whole means-tested structure and the disciplines of social security, if it had not ridden roughshod over the sensitivity and complexity of the real lives of the people involved – it might have worked. But I rather

agree with Lord McGregor of Durriss who warned the House of Lords that "the proposals represent official dabbling in the stuff of other people's souls".

However the adjudication part of the Act is reformed, I doubt whether the constituency of mothers and

fathers are now ever going to co-operate with the officials of the CSA, and without their co-operation the Act is unenforceable. Perhaps one of the most serious long term consequences of the Act is that (like the Poll Tax) it has jeopardised the consent to be ruled of a very large number of people.

It is possible that history will conclude that the Act came too

Labour listen... but will they act?

late – it tried to put back the clock of changing family behaviour too far. I do not think that anyone has yet attempted to argue this and you may well consider the argument misplaced, if not absolutely outrageous. Almost everyone who criticises the Act, including the fathers's organisations, agrees that parents have an absolute moral obligation to support their children financially. However, before Mrs Thatcher made her speech in 1990, policy and practice were not upholding that moral principle. The

courts had in their wisdom developed case law that effectively permitted 'clean breaks' and the DSS were giving very little priority to their liable relative powers. In effect there was a culture of optionality and an acceptability that the obligation could not and should not apply to every case and forever.

The Act tried to re-establish the obligation. In doing so, in asserting the primacy of biological obligations over social obligations, it cut right across patterns of obligation and exchange which had become well established and which gave priority to social obligations – or at least took into account the social context.

Thus whether we like it or not, separated fathers were very rapidly losing contact with their children. The majority of them were moving into new partnerships, becoming the fathers to new children and the step fathers of any children the new partners brought with them. This social fathering had important personal and public outcomes – not least because it resulted in a lot of lone parents coming off Income Support and moving out of poverty. There is evidence that those adults who moved on in this way were more successful in resolving the grief and disruption of their failed relationships.

In addition to those who had been married there was the increasing proportion of fathers who had never been in a 'living together relationship' when they conceived a child. Some of these relationships were very casual, or at least tenuous. The obligation of fatherhood in these circumstances is, to say the least, contentious. Not for the

Child Support Act, where they are biological fathers and therefore liable to pay. The assertion of biological liability in the Child Support Act, in the absence of any social relationship, has created some fundamental problems that we are only beginning to consider. Getting a girl pregnant can now be a form of entrapment. Young men are, as ever, becoming fathers without

These are arguments for taking adjudication element out of the hands of social security officials and returning it to a vehicle capable of operating on the basis of flexible, individualised discretion. But the question is, should it become a responsibility of a mediation service or should it return to the Courts?

their knowledge and - if they did know - without any rights to influence whether a pregnancy is aborted. Many very young men are being locked into a financial relationship, often without any prospect of a social one, for up to 16 years – 16 years during which they might otherwise have become effective social and biological fathers; socially useful rather than disenfranchised and bloody minded men.

The Act has also effectively mucked up the commitments, obligations,

ties of affection and responsible aspirations of step fathers to step children. Unless they are willing and able to adopt their step children they can now never be formally fully responsible for them, for, under the Act, that is an indissoluble responsibility of being a biological father.

CONCLUSIONS

These latter arguments are not going to change the minds of those who demonise fathers apart but they illustrate some of the problems of imposing simple moral precepts on the complexity of social reality. They are part of an argument for taking the adjudication element out of the hands of social security officials and returning it to a vehicle capable of operating on the basis of flexible, individualised discretion. That discretion can be guided by norms, formulas even, as it has been in court judgements about ancillary relief. The judgements can be backed up by an effective agency (possibly the CSA) that is responsible for collection, enforcement and, eventually, advanced payment. What is needed now by those who believe that the CSA is doomed, is a real effort to think through the operation of future arrangements. Should it become the responsibility of a mediation service or should it return to the courts?

How might unmarried people be incorporated into the adjudication process, and so on. ■

Professor Jonathan Bradshaw, 23 January 1996

The Child Support Act has mucked up the commitments, ties of affection and responsible aspirations of step fathers to step children. Unless they are able to adopt these children they can never be fully responsible for them.

• The Tories never listened to the wisdom of experts like Professor Bradshaw, who

here puts the case for repeal as well as any we have heard. The question is, has the Labour Party got the bottle to start again and do the job properly? In a debate initiated by the new Labour Government, Harriet Harman, assaulted on all sides by embattled MPs, promised to look again at Bradshaw's words. The jury is still out.

GROUP THERAPY

How to start your own group

When you're reeling under the CSA cosh and don't know where to turn next, there is huge relief in just being able to talk to someone who understands. That's why NACSA groups are so important, and also why we need more of them.

Most people's reaction to the suggestion that they start something locally is pure panic. What do you do first? How do you learn the ropes? What if someone needs help and you don't know the answers? Don't worry... we've all been there. Just keep reading and you'll soon get the idea.

The main resource you will need is enthusiasm. There'll always be too much to do and too few people to do it, but energy and organisation can overcome all that. And just remember that co-opting others for specific jobs works far better than open-ended requests for 'help'.

The bottom line is, if in doubt, **DO IT NOW**. You won't regret the effort, and hesitation will only leave you stranded. Helping others really is a great feeling and a useful way of putting your own CSA problems into perspective.

BE PREPARED

It's a fact of life... most of the people who contact you will come and get the advice they want and disappear. However irritating this may seem as you struggle to keep things going, it's a fact of life. But that said, if you compare attendances at many NACSA meetings to those of Greenpeace then we are doing extremely well.

The best way to keep people coming along is to make them feel involved, whereas threats that you won't support them if they don't support you have no effect. So have plenty of events they can join in with, like gathering signatures on petitions, staging 'awareness days' in town centres, distributing leaflets, accompanying victims on visits to MPs, handling the local press, and so on.

There's one question we get asked more than any other... "how do I set up a NACSA group in my area?" It DOES seem daunting to start with, but with the support you'll find all over the country, it really isn't as hard as it at first seems. People who have been fighting the monster for over two years have helped us produce a wide range of hot tips and sound advice... all aimed at turning your group into one hell of a fine CSA fighting machine! Read on...

GIVING OUT ADVICE

Try to avoid giving out advice over the phone – unless of course the situation is dire and calls for immediate action. Get them to come to your next meeting and bring all their CSA papers, and any other documentation that's relevant. Some groups (like Milton Keynes NACSA) meet fortnightly... because an extra two week's delay can easily cause havoc in a person's life when they're under pressure from the CSA; remember, most of the suicides we've had so far have come about as a result of arrears demands, often involving huge sums of money. The CSA always say it requires payment immediately... which for some is the last straw. You'll learn to judge the really desperate... don't leave them alone.

You will need to advertise a Helpline number, but often the best thing to do is

Most of the suicides we've had so far have come about as a result of arrears demands, often involving huge sums of money. The CSA always say they want payment immediately... which for some is quite literally the last straw.

to put an answering machine on it which announces the time and place of your next meeting. Make sure your telephone message gives them a way of talking to someone straight away – provided the situation is a real emergency. However,

most people are just confused by all the paperwork, frustrated with the system and frightened about what's going to happen to them. Get them to come along, because just meeting others in the same position can be a great help.

The CSA experience is highly stressful and some react to it by putting their heads in the sand. These are the ones who come back months later with a Deductions from Earnings Order for an Interim 'A' Assessment, massive arrears and expect us to bale them out. But they *DO* still have to be helped.

Remember, it's only by educating and helping others in every way possible that we will continue to confound, disrupt and draw the sting of the CSA demon.

TECHNOLOGY

Technology is one of our greatest allies and it's essential you find out early on who's got a computer, a fax machine, and access to copying and printing facilities.

DEALING WITH MPs

You may like your MP, despise your MP, think (s)he's a complete washout, or maybe don't even know who your MP is! It doesn't matter because local MP(s) can be very important. CSA staff usually ignore the letters we write but if an MP sends one, a reply has to be sent. So tell members to send their CSA mail via their MP. That way, (s)he is reminded how

serious this all is, while at the same time your members get a response. By the way, never miss an opportunity to include a separate letter addressed to the MP, complaining bitterly about some aspect or other of the Act and/or Agency. Write 'This is a letter

of complaint' along the top and ask that it be counted and logged as such.

STAY IN TOUCH

Have regular meetings with other group leaders. You'll get the news quicker and

You'll find the best therapy...

you can learn from each other's experiences. You'll also soon find yourself talking for hours on the phone to complete strangers. Having a common foe produces a strangely unifying effect that crosses most boundaries.

Finding a good meeting venue is not usually a problem. Most areas have pubs with spare rooms and they will often be prepared to let you have one free of charge on a quiet night of the week – in return for a reasonable amount of business. Indeed, landlords tend to be great allies... they talk to lots of people and they often know what the CSA is doing to their customer's lives.

It also pays to keep a list of all those who attend your group (name, address and phone number) every meeting, but keep that information confidential. It's good to know who are the regulars, even if they don't get that involved.

WORKING WITH NACSA

NACSA is a banner under which a broad spectrum of anti-CSA campaign groups unite. Many have different agendas but our sole aim is repeal of the CS Acts of 1991/95. Successful pressure groups are usually those which focus on a single issue, but we do recognise there are a number of related family law issues which also need changing.

We try to inform and communicate so individual groups can work together to campaign on the basis of up-to-date and reliable information. Everyone involved is a spokesperson for NACSA and 1997 sees the introduction of a formal membership structure where the annual fee includes regular copies of *NACSA News*, updated *Survival Guides* and copies of the Self Assessment calculator on disk.

NACSA NEWS

Production of *NACSA News* is a key activity. To carry it out effectively we require the support of ALL anti-CSA campaigners. We need press cuttings, letters from politicians, information about the Agency and so on. Remember, if you do send us a personal story, we need evidence. We hear incredible

tales but we can't publish them without reasonable proof. Articles are always welcome, but contact us before doing all the hard work. Phone *NACSA News* and give a brief outline of your story first.

But most of all we need funding. Every penny you send goes on printing and posting *NACSA News*. All issues of *NACSA News* go to the groups, all MPs, some members of the Lords plus media and related organisations. This costs about £500 per issue and it all comes from YOU. So if you want us to continue the fight at the present high standard – keep donating. We only supply the bullets, we can't shoot them for you!

RUNNING EVENTS

If you are planning an event, either local or national, then let us know in plenty of time so we can publish the details. The **Events Hotline (01908 609052)** has a recorded announcement where you can get reliable and up-to-date information about forthcoming events.

Throughout the year there will be marches, rallies, lobbies and other 'events' taking place on both a national and regional basis. Encourage members to support them. Promises of attendance never work... get real commitment. If you hire a coach to go somewhere, get

You'll soon find yourself talking for hours on the phone to complete strangers. Having a common enemy produces a strangely unifying effect that creates new friendships and crosses most cultural and regional boundaries. To quote the ad, "it's good to talk".

people's money first at meetings.

OTHER ORGANISATIONS

• **Citizens Advice Bureaux** All CABs have to log incoming difficulties and enquiries and the figure for CSA problems

is published by the Government. Local CABs often don't have the resources to cope with CSA problems; leave them the number of your group and suggest they pass people along who are in trouble. Also try sending them copies of *NACSA News*.

• **The Samaritans** will also be glad to hear from you... they too will not know how to be of practical help to CSA victims.

• **Lone parent's** groups are worth contacting. They're often not well resourced and you'll soon discover that women hate the CSA as much as men. These days we hear from lots of 'pissed off' parents 'with care' who want the scheme scrapped having realised that, despite Government promises, the CSA is never going to be the answer to their problems; indeed thanks to the CSA, parents 'with care' are having difficulty getting any maintenance at all and the best avenue is usually a voluntary agreement with the ex-partner. They may need some help negotiating it.

• **Lib-Dems** Groups often team up with their local Lib-Dem party. Ask them to put a small advert for your group in their Focus door-to-door leaflets; remember, they are the only party calling for the repeal of the Act. Get some of your members to help with delivering copies.

• **Local union branches** In general unions are *VERY* sympathetic to our cause... it's often their members who are being hit hardest.

FUND-RAISING

Every fight needs money. Most of our funds come from donations from our own people, but you can try other avenues.

• **Sell *NACSA News*** Some groups raise cash by selling copies of *NACSA News*. Most people seem to think that about £1 is reasonable and if you have people who don't want to come to the meetings, then you can put them on a mailing list of your own for £1.50 a copy.

• **Sponsorship** We know of one group who got a donation of £300 from a local union branch in return for providing advice for members as required. Try it.

• **Stalls** Setting up a stall in your local town centre or shopping mall can work well. The authorities may make a small charge

... is to help someone else

for your pitch but you can have a collection tin as well as selling *NACSA News*, T-shirts, balloons, Survival Guides and so on. At the same time you will get a lot of signatures on your petition forms.

WAYS OF PROTESTING

• **Writing to MPs** You *MUST* keep your members writing to MPs... even if they don't get satisfactory replies. Every politician knows that if he fobs you off for long enough you'll go away and that's another problem 'solved'. Above all be courteous. Don't give them the excuse to dismiss us as hot heads.

• **Writing to newspapers** Local papers are often desperate for something interesting to publish, so regular contributions to the letters page are essential. Keep your letters short and restrict yourself to only one or two main points. Don't waffle and summarise in the first paragraph what you're going to be saying in the rest of the letter. Write whenever an article appears and keep the story flowing for week after week.

• **MPs surgeries** Nearly all of them hold a regular surgery and we've found that a well informed deputation from a campaign group can do wonders in concentrating an MP's mind. In fact some of the most sensible suggestions we've had have been given to us by Tory MPs! Labour MPs are now expected to report to 'head office' the questions raised at their surgeries, so keep the visits going.

• **Attending lobbies** Mass lobbies of Parliament are a very effective form of protest and the ones we've had so far have been well worthwhile (usually with over 500 campaigners in attendance). Before the lobby get members to write to their MP and ask him or her to be there to answer questions. Few will come, but after a lobby they should go back around to the main desk and fill in a green card; if their MP is in the building, this should summon him or her to a private consultation.

• **Marches** A street march can make a fun day out if the weather's good and it's an excellent way of getting to meet the other people involved in the campaign. If there's

no other news that day you just might get a picture in the paper, but don't bank on it. But remember, no Act was ever repealed just because a few thousand people marched down Whitehall.

• **Petitions** Standing on a street corner with a petition is a very effective way of campaigning. It gets publicity for your group, it gives you a good idea what people on the street actually think and of course sooner or later the signatures get counted. It's cheap, it's effective and it works. Remember to take some handouts with you with details about your group.

• **Make life difficult for the Agency** Sadly democracy in this country seems to have declined to the point where Government no longer listens to the people. Like the Poll Tax, one thing which will help finish off this Act will be to make it unenforceable. It's a bad state of affairs, but the Government only has itself to blame. And remember, in a democracy civil disobedience against a bad law is a perfectly legitimate form of protest. *SO KEEP PROTESTING!*

GETTING PUBLICITY

The Golden Rule of politics is that all publicity is good publicity. You need it so people who want to can find you and it's also a great way of influencing public opin-

Sadly, democracy in this country seems to have declined to the point where Government no longer listens to the voice of the people. And like the Poll Tax before it, one thing which will help hasten the demise of the Child Support Act will be to make it unenforceable.

ion. Try these ideas for size:

• **Classified ads** Place an advert in your local paper with the time and place of your next meeting, plus contact telephone number. Remember that many of the people contacting you will be parents 'with

care' so make sure you don't come across as a men only group. An ad which simply says '**CSA PROBLEMS?: 01xxx xxxxxx**' works well. You may find too that your local freebie papers have a section for help groups, so ask.

• **Libraries** will normally be quite happy to display *NACSA News* and include details of your group in their register of local organisations.

• **News media** Local papers like stories with a local interest, so a local CSA horror story with comment from campaigners balanced by someone at the CSA is just the ticket. The nationals on the other hand are far less likely to publish a story from a pressure group. They tend to report statements by government bodies, so one way of getting into the national press is to keep badgering the ombudsman, Data Protection Registrar and Audit Office.

• **Press Releases** If you hold an event or a public meeting then issue a press release. If the press don't turn up then send them another release telling them what happened. If your statement is worthwhile and well written they will often reprint your release in their own words. Try and write your press releases succinctly; summarise what's happening (or has happened) in the first paragraph, then go into steadily more detail with each one succeeding. They should be able to draw a line under any paragraph and use all that's gone above without much alteration.

AND FINALLY...

A great way of getting started is to visit another group's meeting or to ask them to attend yours. They will have successfully negotiated that difficult first phase and should be full of advice for the beginner just starting out. Do bear in mind though that groups across the country vary enormously from

the hyper-active to the hyper laid back.

If you fancy taking that route and don't know the whereabouts of your nearest NACSA group, phone the **NACSA Events Hotline** and Nick Colyer should be able to point you in the right direction. ■

CONTACTS

NACSA's hot list of useful names and addresses

QUEEN & COUNTRY

• The Queen

The Queen talks to the Prime Minister on a weekly basis, often mentioning the mail she has received. Make sure she receives a succinct summary of *YOUR* horror story mentioning the effect the CSA is having on your life, and on the lives of your children. Write to:

**Her Majesty, Queen Elizabeth II
Buckingham Palace
London SW1**

Start your letter with 'Your Majesty' and close it with 'Your humble and obedient servant', although if you find that a bit much, 'Yours sincerely' will probably do!

• Your MP

MPs may be of more help to you than you think. To start with, the Agency *HAS* to reply to their letters, and within a short space of time. They cannot ignore MPs' letters like they do yours. The address to write is:

**'Name of MP'
The House of Commons
Westminster
London SW1A 0AA**

(General enquiries: 0171 219 3000)

Alternatively, you will probably find the phone number of the local Tory / Labour / Lib-Dem association in your phone book or through your local library. It's usually better to visit personally, but *DON'T* say anything about the CSA when booking up – because often the secretary will be under instructions to put you off coming. Remember, some 50-75 per cent of their entire caseload is likely to be CSA related.

• Ministers

All letters sent to Ministers in the House of Commons must go *VIA YOUR LOCAL MP*. If they are sent directly to the Minister, (s)he does not have to answer them, but if they come from your MP, the Minister has to answer them *ALL*. What's more, letters sent in this manner are supposed to take priority over *ALL* other work.

Make sure you include in your letter a *SPECIFIC QUESTION* individual to your needs, so that an *INDIVIDUAL REPLY* is necessary. That way he or she cannot just fob you off with a 'pro forma' type letter in reply.

Each letter has to be logged at every

stage of the procedure:

- Recorded on arrival in minister's offices
- Sent to section for drafting reply (recorded again)
- Checked by one, if not two, senior civil servants
- Back to the minister for signature
- Recorded again as it's being sent out. Just think what would happen if we all wrote at the same time...

• Junior Ministers

If you're writing the to chief executive, then send a copy too to the Junior Minister in charge. You are more likely to get a reply if you send it via your MP but there's no harm in trying to send it direct. Address it to:

**Baroness Hollis
Under Secretary of State for Social Security
Department of Social Security
Richmond House
79 Whitehall
London SW1A 2NS**

• The ombudsman

If you believe you have suffered maladministration at the hands of the CSA and/or the agency is taking money you do not owe, first ask your MP to do something about it. If your MP fails to help you, say you want him or her to take your problem to the ombudsman. This is something that can only be arranged through your own MP.

You can find out more about the parliamentary ombudsman by writing to:
**Office of the Parliamentary Commissioner for Administration
Church House
Great Smith Street
London SW1P 3BW
(Phone: 0171 276 2130/3000)**

• The Liberal Democrat party

The Liberal Democrats have clearly said they want repeal of the Child Support Act(s) whereas the other major parties do not. Therefore they are the natural party for us to support at time of election. You can find out more about Lib Dem policy on the CSA, and details of how to join the party, by writing to:
**Liberal Democrat Party headquarters,
4 Cowley Street, London SW1
(Phone: 0171 1222 7999)**

THE CSA

• The Chief Executive

Don't be afraid to go to the top and, as a general rule, *ALWAYS* copy any complaint you send to Agency staff to the chief executive. Send letters to:

**The Office of the Chief Executive
(Faith Boardman)
Child Support Agency Headquarters
Quay House
The Waterfront
Brierley Hill
DY5 1XZ**

• Tribunals

An application for an appeal to a tribunal can be made once you have had your Section 18 (second tier) review turned down. It should be made in writing and signed by the applicant. The letter of appeal must be sent to:

**The Central Office of the Child Support Appeal Tribunals
Anchorage Two
Anchorage Quay
Salford Quays
Manchester M5 2YN
(Phone: 0345 626311)**

• Data Protection

You have a right to see the information that the CSA holds on you and you can re-exercise that right around once every ten weeks. Write asking for a copy of all the files they have on you. And any new partner should do likewise. Write to:

**Mr Ernie Paterson
CSA DPO
Room 165 (1)
DSS Longbenton
Newcastle NE98 1YX
(Phone: 0191 225 3154, xtn 522)**

Check that all the pages are there. If you find something wrong, or you object to comments made about you, write to:

**Elizabeth France or
James H Cornah
Data Protection Registrar
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF
(Phone: 01625 545700)**

• The CSA Charter

There is a CSA Charter containing details of the standards the Agency is

Keep writing and complaining

supposed to reach. Despite the fact that the whole thing is hedged with 'ifs' and 'buts', there are performance aspirations included that the CSA constantly fails to achieve.

Two things... (1) write off for a copy of the Charter, and then when you have received it (2) complain about the blithe acceptance of very low performance standards (half a year to complete assessments!) and of course the fact that in your case it hasn't even managed to achieve that. Write to:

**Citizen's Charter Unit
Cabinet Office
Horse Guards Road
London SW1 3AL
(Phone: 0645 400444)**

• Special needs

The CSA has a vast list of specialist literature, available in a wide range of languages and on both paper and cassette tape. Order the complete catalogue of what is available from:

**Child Support Agency
Room 164E**

**DSS Longbenton
Benton Park Road
Newcastle Upon Tyne
NE98 1YX**

(Or phone the CSA Enquiry Line, below)

Then get ordering. Maybe you need those expensive Braille versions? Perhaps you are a welfare rights advisor and will need numerous copies of each?

• CSA Enquiry Line

If you enjoy phoning the CSA and being stuck in a queue for hours by an answer phone system, then this is the one for you. They are supposed to be able to answer routine questions on most aspects of the running of the Agency, though in reality the level of 'helpfulness' is strictly limited. You can also order all manner of CSA literature through this number. Phone the 'service' on:

0345 133133

MISCELLANEOUS

• Advertising Standards

Advertising has to be legal, decent and honest. In 1996 the CSA failed these criteria and had to withdraw a campaign in the Greater Manchester area. To complain about CSA advertising, write to:

**Advertising Standards Authority
Department 3
Brook House
Torrington Place
London WC1E 7HN**

• Citizens Advice

Staff working at Citizens Advice Bureaux are largely sympathetic to our plight and have to log the kind of problems brought to them by the public. These statistics are then passed on to the Government. It's vital therefore you make a personal visit to explain your case. You may find them of help, although often they will simply suggest you contact NACSA.

• Other people to write to

- Unions (who are generally very sympathetic)
- Welfare rights advisers
- Other public figures... especially those who show signs of supporting our cause.
- Local councillors
- Euro MPs

• Newspapers

Both local and national papers will run a letter that is short, succinct and which says something new or controversial. And remember, to get something published nationally it's always better to talk globally, rather than about your own particular problem. London's *Evening Standard* is read by more MPs than any other newspaper.

Horror cases involving CSA maladministration sometimes get unaccountably solved or dropped when the press get involved. ■

TWELVE VITAL DO'S & DONT'S

1. **DON'T** automatically blame your 'ex' for getting the CSA involved – check the facts first
2. **DON'T** fill in the MAF without talking to NACSA first.
3. **DON'T** attend meetings with the CSA unless you feel confident, or you have someone with you who knows the ropes
4. **DON'T** give the CSA your telephone number(s)
5. **DON'T** give the CSA your bank details
6. **DON'T** pay the CSA by Direct Debit
7. **DON'T** just sort out your life and disappear - help someone else who may not be so lucky
8. **DO** make sure that your children's interests are always well protected
9. **DO** keep a copy of everything you send to the CSA
10. **DO** send all mail by Recorded Delivery
11. **DO** appeal every decision the CSA make
12. **DO** visit your MP regularly to discuss your CSA problems

Child Support

the way ahead

Child Support: the way ahead

... a new, fair and workable system for child maintenance

Any child support scheme must have at its heart the interests of children. It must encourage parents to sort out their own affairs, be simple and straightforward, be seen as fair and equitable by those affected and must properly safeguard the financial interests of the State. It must also deal only with child support and reflect the responsibility of both parents to maintain their child(ren). *Child Support: the way ahead* capitalises on the advantages of the previous arrangements for child support maintenance and builds too on the experience of the Child Support Agency.

1

Arranging child support

Where the State has no financial interest

1.1 Where a parent with care is not receiving State benefit and both ex-partners are able to reach a voluntary arrangement they should be able to draw up their own legally binding agreement. There should be no other State involvement. Parents should, however, be able to use a collection service for a fee.

1.2 Where they have difficulty reaching or maintaining a voluntary agreement, they can use a Mediator to see if agreement can be reached.

1.3 If they cannot reach a voluntary agreement the Mediator may then advise they put their case before a court, for final judgement to be made, working to reasonable guidelines that stay flexible in their interpretation.

1.4 If a voluntary agreement cannot be reached quickly the court will have the power to impose reasonable emergency interim arrangements.

Where the State has a financial interest

1.5 Where a parent with care is receiving State benefit, the non-resident parent would normally be expected to meet a minimum payment level that equates to

the benefit rate for the child(ren) in question plus the Family Premium.

1.6 If the parent with care is already receiving payments at least equal to the benefit level, then the State should take no further unsolicited action to pursue maintenance.

1.7 Where the non-resident parent cannot make the minimum payment described above, then that parent will be approached by an officer of the State to see if satisfactory arrangements can be made. The officer will be empowered to negotiate with the parent using approved guidelines similar to the existing protected income calculations.

1.8 If no agreement is forthcoming the matter will be referred to a court which will be able to invoke strong enforcement action where necessary.

1.9 Where the State's financial interests are covered, the case will be treated as if the State had no financial interest.

2

Components of the new system

Legal agreements

2.1 Parents who are not on benefit need the facility, which does not exist under current legislation, to draw up legally binding maintenance agreements. These parents must also have access to normal, civil channels if the agreement is

broken or to be changed in any way. And in line with the new divorce legislation, parents should be encouraged to use a single legal advisor to assist with drafting documentation.

Mediators

2.2 The Mediator's job is to help ex-partners to arrive at proper maintenance agreements for their children without the need for a full court appearance. The Mediation Service needs to be sufficiently well-resourced to be able to deal with clients quickly. In cases where a speedy and lasting solution cannot be achieved, the Mediation Service will work alongside the courts to provide interim arrangements.

Family Courts

2.3 The objective of family courts is to lend the authority of the civil court system to the casting of fair, reasonable and lasting solutions to family disputes.

2.4 Family Courts will be presided over by judges specialising in family law and will deal with all aspects of family affairs. They will have access to guidelines for dealing with child support awards but will be able to take all relevant circumstances into account and judge cases on their merits.

Guidelines

2.5 There will be a set of regularly published guidelines which relate to the various costs of bringing up a child for a range of different family circumstances and budgets*. These will be available to parents seeking to make their own

arrangements as well as to Mediators and to courts.

* See for instance "The Cost of a Child" published by Child Poverty Action Group and the Family Budget Unit.

Review body

2.6 A review body comprising representatives of parents with care, step families, non-resident parents and other interest groups will regularly report on the operation of the new system. Each State in the USA is already obliged to create such a body.

3

Financial memorandum

Financial effects of the new system

3.1 CSA Operating Costs*

Financial Year 1994-95: £185 million

Financial Year 1995-96: £186 million

Financial Year 1996-97: £208 million

3.2 New System Operating Costs**

Financial Year 1994-95: £66 million

Financial Year 1995-96: £68 million

Financial Year 1996-97: £70 million

* Based on *The Government's Expenditure Plans 1995-96 to 1997-98 and Child Support Bill 1995 Financial Memorandum*.

** Based on *Liable Relatives Unit operating costs, The Government's Expenditure Plans 1994-95 to 1996-97, figure 51*.

Benefit costs

3.3 There are currently around twice as many liable parents on Income Support (25%) as might be expected. There is also an unduly high percentage with no employment income (43%) compared to a national average unemployment rate of around 13%. These figures have remained stable for a year and are generally held to indicate a move by liable parents out of work and onto benefits and/or the Black Economy. This is almost certainly a direct result of the way in which the CSA formula-based system operates and the excessively high child support payments it demands.

Financial effects on public service manpower

3.4 Mediation Service Largely provided by existing voluntary and semi-voluntary organisations, these could be expected to raise revenue by contributions from clients, although the State may also be required to provide some extra funding. There would be some additional workload on the Court Welfare Service.

3.5 Collection Service The DSS Liable Relatives Unit employed around 1500 staff and it is expected there would be a modest increase in this number to cope with the increased workload. However, non-benefit cases wishing to use the service would be charged a fee which would help offset some of the additional costs.

3.6 Court Officials An efficient welfare and mediation service will lower the

number of cases reaching the courts, thereby reducing Legal Aid costs. The new system will require a modest increase in the number of court welfare officials to handle the additional workload. There is no evidence of any reduction in the number of judges since assessment of child maintenance was removed from the courts and therefore no increase is envisaged here.

3.7 CSA Comparison The CSA began its operations with 6500 staff, adding a further 750 in 1996-97 to handle the administration of the departure scheme (*Child Support Bill 1995, Financial Memorandum estimate*). It also uses staff seconded from the DSS/Benefits Agency to deal with backlog of cases.

Benefit savings to the State

3.8 For the purposes of this document, benefit savings are defined as the amounts of maintenance money arranged and collected which are offset against State benefit payments*. Using this more normal definition the CSA is delivering a net loss to the taxpayer of £36 million a year, compared to an annual net gain of £300 million achieved by the DSS Liable Relatives Unit in its last year of operation.

** The means of measuring benefit savings has changed since the introduction of the CSA. Benefit savings being claimed by the CSA now include benefit cessations by parents with care who cease to claim for reasons other than payment of maintenance by the non-resident parent (for example re-marriage or finding work).*

3.9 *Child Support: the way ahead* promotes a system that is expected to deliver maintenance revenues of around

£400 million by financial year ending 1996-97 at an operating cost of around £70 million. These figures relate to the performance of an enhanced DSS Liable Relatives Unit and are based on Government Expenditure Plans for Social Security 1994-95 to 1996-97.

For the benefit of children

3.10 This document presents a fair and equitable system of child maintenance which would receive wide support from the British public. Its implementation would result in a quick and dramatic improvement in compliance rates, thus providing more maintenance for more children more regularly.

• *Child Support: the way ahead* promotes a significantly improved system of child support in the United Kingdom. It is based not on speculation but on solid, factual evidence and in particular the activities of the successful Liable Relatives Unit which operated until March 1993. We commend it to the men, women and children of Great Britain.

Child Support: the way ahead
© National Association for Child Support Action,
August 1997.

Copies available from NACSA Milton Keynes, PO Box 3195, Fishermead, Milton Keynes, MK6 2YB.

HELP US AND HELP YOURSELF

Network Against the CSA has been re-named the *National Association for Child Support Action...* which means we're still called NACSA. We started life as a loose association of groups and individuals whose purpose was to rid this country of the Child Support Act and Agency and replace them with a common-sense system that has at its heart the interests of children and their parents. The only difference now is that NACSA is to gain a proper structure and an organised system of membership.

We hope you find this first ever national Survival Guide useful. If you see anything that is incorrect

or perhaps think of something that has been missed out, then please let us know. We expect to re-publish the *CSA Survival Guide* twice a year, so your comments are vital. Send them to: **NACSA Milton Keynes, PO Box 3159, Fishermead, Milton Keynes MK6 2YB.**

Finally, if *YOU* need help or would like to join the fight to rid this country of the CSA, then get involved now by receiving copies of *NACSA News*. It's a regular newsletter that's full of the latest campaign information. At present the average donation is £21 per year.

Just complete and mail off the form below and you're on the list.

The CSA Survival Guide has been produced with the help of anti-CSA campaigners throughout Britain. In particular thanks must go to 'Friends of NACSA' an anonymous group of people who contact us electronically. The work of all these campaigners has been co-ordinated by the NACSA group in Milton Keynes at: *PO Box 3159, Fishermead, Milton Keynes MK6 2YB (Tel: 01908 665646).*

NACSA is affiliated to Families Apart Require Equality (New Zealand), Lone Fathers Association of Australia and the Children's Rights Council of Georgia (USA). Visit our web site at <http://www.scallywag.com/nacsa>

NACSA News is printed on double-sided A4 so that it may be easily photocopied and widely distributed. There is no copyright on any part of this publication.

PLEASE NOTE: any donation money remaining once the battle has been won and the CSA has been disbanded will be given to a child-based charity of our choice.

NACSA ON THE NET
<http://www.scallywag.com/nacsa>

• NACSA has switched to a new and improved web site. It still provides campaigners with an excellent way of sharing news and staying informed. If you're not yet on the web, then now's the time to make a move.

DONATION FORM FOR COPIES OF NACSA NEWS

Survival Guide / August 1997

Your name _____

Your address _____

Post Code _____ Phone _____

Please send me regular editions of *NACSA News*

I enclose a donation cheque for the sum of £
(made out to *NACSA Milton Keynes* – average donation is
at present £21 per year.)

• I am happy to be interviewed by the media about CSA matters Yes N

• I am prepared to be contacted by CSA victims who are in need of advice and/or support Yes No

• If you are a member of an anti-CSA group, please tell us:

Your position (if any) _____

Group name _____

Group contact phone number _____

Mail donations along with this form to NACSA Milton Keynes, PO Box 3159, Fishermead, Milton Keynes MK6 2YB.