

Children in Scotland

every child - every childhood

Children in Scotland response to the Department for Work and Pensions Green Paper: Strengthening Families, Promoting Parental Responsibility: the future of child maintenance

Children in Scotland welcomes the opportunity to respond to this Department for Work and Pensions consultation on an important area of policy that has the potential to improve the lives of many children and families across the UK.

Overview

In broad terms, Children in Scotland is in favour of the stated 'guiding principles for reform'. Children in Scotland particularly welcomes the Green Paper's highlighting of the need for:

- a family-centred approach, which focuses on the **best interests of children**;
- an **integrated**, cross-sector model of **relationship and family support** services;
- access to **early and ongoing support** for parents;
- support for **collaborative decision-making** by parents; and
- promotion of a continued, **positive relationship for both parents** with their children, wherever it is safe and feasible to do so.

However, Children in Scotland has a number of concerns with the proposals set out in the Green Paper, which are outlined below.

Key points

Family support services are a devolved matter in Scotland

First, and most fundamentally, the paper fails to recognise that its proposals span both reserved and devolved matters in the Scottish context. The proposals relating to family support services are clearly within the Scottish Government jurisdiction. Given the emphasis placed throughout the document on the need for an integrated approach, it is therefore surprising that the implications and applications within Scotland of this UK policy are missing. If the Scottish Government has been involved in the development of these *UK-wide* proposals, then its inputs have not been explicitly acknowledged – and the extent to which Scottish Government advice has been heeded remains unknown.

Family law is different in Scotland

This Green Paper also fails to acknowledge that there are key differences between family law in England and Scotland or to clarify the jurisdictions to which particular references apply, e.g. that the Family Justice Review relates to England and Wales only. How to handle these differences is, therefore, a significant issue that remains unaddressed.

Prevention starts with preparation for parenthood

Children in Scotland agrees with the focus on early intervention to support parents to prevent unnecessary separations and their repercussions on children. However, it is important to recognise that family support around separation is part of a much broader canon of universal support and education for (both prospective and current) parents. For example, aspects of preparation for parenthood are already being incorporated into education as key life skills through the Curriculum for Excellence in Scotland. Also, antenatal and wider parent support programmes are increasingly focusing on strengthening relationships alongside more traditional topics.

Preventative, early support is widely held to be key to securing positive outcomes for children. It is also important in the context of this consultation, not least because many separations have their roots in stresses associated with the transition to parenthood, and in the responsibilities of caring for an infant/young child. The strain on individuals and on family relationships can be particularly acute when the child or parent has a disability and/or where the household income is insecure. Family support around separation is, therefore, best considered – not in isolation, but rather as part of a **continuum of universal, interconnected parent education and family support**

services, including effective access to affordable, good quality childcare.¹

Good family support services require investment

There is a strong case to be made for long term savings across a range of public services areas through making timely support available to families. However, in the short term, investment will be required to ensure equitable access to good quality support services for all parents, regardless of their background or where they live.

Although there are already many good examples of existing family support services of the types described in the Green Paper (and in this response), they tend to be small-scale, often over-subscribed initiatives with precarious funding arrangements. Many are targeted at the most vulnerable and/or people living in the most deprived areas. Across the UK and within Scotland, access to these services varies considerably. It is not realistic to expect providers from any sector to extend or develop effective services without additional funding support. *More pointedly, current and anticipated cutbacks in the provision of children's and family services will – if allowed to continue – undermine the good intentions expressed in this Green Paper.*

Specific Issues

'Non-resident'—'parent with care' distinction is outdated and undermines reform aims

The rigid distinction maintained in these proposals between 'non-resident parent' and 'parent with care' is outdated and undermines the aim of enabling families to make their own arrangements. The terminology used has a strong association with adversarial processes – and with conflict between parents over maintenance payments and 'contact' arrangements – which will be very hard to shed. The Green Paper's categorisation of parents is rooted in historic cultural assumptions about parenting roles, namely: that mothers are generally primary carers and fathers are the main breadwinners.

Families today take an increasing diversity of forms and their members fulfill increasingly interchangeable roles. These social changes need to be fully taken into account in the development of policy and legislation across a range of interrelated areas, including: parental/paternity leave provisions and public sector equality duties. This reform of child maintenance provides an ideal opportunity to re-visit both the

language employed and the categorisation of parents, to reflect the aim of enabling collaborative sharing of responsibilities by **co-parents of equal status**.ⁱⁱ

Single website / helpline proposal

It is unclear whether the proposed single website/helpline is envisaged as having UK-wide coverage. Information provided through any source will need to be locally appropriate, accurate and accessible. Whether all such information is best provided (and kept up-to-date) through a single UK-wide hub is questionable. It is likely that local information needs will be better met through clear signposting to regional/local authority-level information sources about local services. However, there may be a useful role for a central, coordinating point of contact and general advice within a broader network. Given that family law as well as the provision of family support services is distinct in Scotland, a national hub, specific to Scotland would be appropriate and more likely to succeed.

Responses to Consultation Questions

Question One: Do you agree that maintenance should be more effectively integrated with other types of advice and support provided to families experiencing relationship breakdown to enable them to make arrangements?

Yes, but this needs to:

- focus on positive outcomes for children and families;
- dovetail with existing family policy and support provision;ⁱⁱⁱ and,
- be part of **universally** available support to all parents.

Question Two: How best can maintenance support be integrated within the network of support services to better support families experiencing relationship breakdown to make family-based arrangements?

Financial support issues needs to be addressed early as an integral part of the process of reaching a separation agreement. Most importantly, the focus throughout should be *centered on the welfare and best interests of children* – with maintenance treated as one form of support that needs to be agreed, alongside, equally important social and emotional support requirements.

Question Three: What information, advice and support services should be integrated to assist families in making family-based arrangements?

Ideally, families would have **universal** access to:

- **counselling and mediation** services;
- **advice on a range of commonly arising topics** such as: housing, welfare, debt/financial management, education, employment, parenting, alcohol/substance misuse, anger management, dealing with stress, carer support, domestic abuse;
- **more generalised and flexible support** made available – without stigma – to vulnerable families/couples/individuals who need more tailored help (beyond that available on a universal basis) to work through specific problems or sets of issues. It would often be both appropriate and helpful to include family members, such as grandparents or other adults taking on substantial caring responsibilities; and,
- **specific support for children** experiencing family break-up that is responsive to individual needs. In Scotland, local education authorities already have a statutory duty (under the Additional Support for Learning Act) to address the additional support needs of some children – both in school and pre-school – where their normal educational development is affected by family problems. Support for children during parental separation would need to tie in with this statutory provision, but it would sometimes surpass the responsibilities of local education authorities and cover a wider set of needs.

Question Four: What support around child maintenance is needed for the most vulnerable families to make family-based arrangements?

Families and individuals will be vulnerable for a wide variety of reasons. In as far as it is possible to generalise, the most vulnerable families will often have complex needs and multiple issues with which to contend. They will often be less trusting of – and therefore, less willing to engage with – professionals than other families; less likely to travel outside of their immediate locality or to attend more formal sessions; and, less able to articulate their needs. Support is, therefore, more likely to be effective if it is delivered by experienced workers with the capacity and flexibility to build trust-based relationships and work through issues specific to individuals/families cooperatively. This may require, for instance, one-to-one sessions in the client's home or support arranging transport to a meeting. It is important that this type of support is offered as an extension of **universal** parent support services and that it is not perceived as punitive or associated with stigma (i.e. for 'bad' parents).

Question Five: Is the balance of burden of the proposed charges fair between the non-resident parent and parent with care?

As described above, the rigid distinction between 'non resident parent' and 'parent with care' is artificial, divisive and outdated. A more flexible system is required to take account of individual and family circumstances, which in many cases, will be subject to significant fluctuations in income streams over time. Low income families – and particularly, the children within those families – will be disproportionately affected by financial penalties and any delays in the receipt of maintenance payment. When designing these systems, focus should be retained on meeting the **needs and best interests of affected children**, and not on the rights of one parent versus the other.

Question Six: Are parents being asked to make a fair contribution to the costs of delivering the statutory child maintenance system?

The fairness (or lack thereof) of the proposed charges can only be judged against the incomes and circumstances of the individual parents involved. However, it is inevitable with a fixed charge that those with least will pay proportionately more. It is, however, never 'fair' for children to pay the price of failings by adults – or for charges to serve to discourage use of available support services that are needed (and will save money longer term by helping to prevent more serious problems from developing or reaching a crisis point).

Question Seven: How should the proposals in Chapter Two be tailored for separating families where there has been violence or a risk to the child?

The provision of **specialist and timely support** to children and parents in cases where there has been, or there is an established risk of, abuse, is vital. This aspect of the proposal would be better presented as a tailored 'support package' (within which different maintenance arrangements apply). Fees exemptions and fast-tracking procedures are appropriate measures in these circumstances. However, there is an obvious need for much greater family support. The language used in the current proposal leaves DWP open to accusations of providing an incentive for some claimants to potentially make false allegations, which would be harmful for all concerned.

We would be happy to answer questions about, or expand upon any of these points.

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Children in Scotland is the national umbrella agency for organisations and professionals working with and for children, young people and their families. It exists to identify and promote the interests of children and their families and to ensure that policies and services and other provisions are of the highest possible quality and are able to meet the needs of a diverse society. Children in Scotland represents more than 400 members, including 90% of Scottish local authorities, all major voluntary, statutory and private children's agencies, professional organisations, as well as many other smaller community groups and children's services. It is linked with similar agencies in other parts of the UK and Europe.

The work of Children in Scotland encompasses extensive information, policy, research and practice development programmes. The agency works closely with MSPs, the Scottish Government, local authorities and practitioners. It also services groups such as the Cross Party Parliamentary Group on Children and Young People (with YouthLink Scotland). In addition, Children in Scotland hosts Enquire - the national advice service for additional support for learning, and Resolve: ASL, Scotland's largest independent education mediation service.

Notes

i This is in line with the recent European Commission Communication on Early Childhood Education and Care (17/2/2011), which stresses the need for **universal** family services. The point is also supported by evidence from the EU funded *Working for Inclusion* programme, which has highlighted the success of countries with fully **integrated** early years services in decreasing inequalities (Children in Europe Issue 20, March 2011 'Europe's youngest citizens: services and leave provision for under threes' Children in Scotland publication).

ii Details of Children in Scotland work on gender equality and, particularly the role of fathers, are available from the project website:
<http://makinggenderequalityreal.org.uk/>

iii Including GIRFEC (Getting it Right for Every Child) and the Vulnerable Families Pathway Project in Scotland.