

Work and Pensions Committee

Oral evidence: Child maintenance services, HC 587

Wednesday 16 November 2016, In Private

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Watch the meeting

Members present: Frank Field (Chair); Heidi Allen; Ms Karen Buck; James Cartlidge; Luke Hall.

Questions 1-33

Witnesses

I: Parents 1, 2, 3 and 4.

Examination of Witnesses

Parents 1, 2, 3 and 4.

Q1 **Chair:** Welcome. Might you, beginning with you, Parent 4, identify yourselves for the sake of the record? We will go down the line and then we will begin our questioning.

Parent 4: I am a father of a four year-old child and I live in Cromwell.

Parent 3: I am the father of three daughters. I live in Cardiff.

Parent 2: I am a mother of two grown children now, 18 and 20, and I live in South Derbyshire.

Parent 1: I live in Suffolk and I have a six year-old.

Q2 **Luke Hall:** What were the flaws or loopholes in the old CSA system and have they been improved by the new CMS system?

Parent 4: Can I first say that I have only dealt with the Child Maintenance Service. I have never dealt with the Child Support Agency.

Parent 3: I have dealt with both. I think the flaw that is consistent across the two is, from my own personal experience, the fact that they do not want to hear what you have to say as a representation. The CSA to a certain extent did and in the end were prepared to accept what I had to say as grounds for an appeal, which they upheld. I did have an opportunity with the CSA, despite it being hard, to get them to listen to what I was saying. My dealings with the CMS, which have all been in this year since February, have been very much the opposite experience. They ask for information but they do not take any notice of it. They appear to have a blinkered process that goes on regardless of what you say.

Q3 **Chair:** Can you give us an example of a piece of information that is crucial to outcomes that they ignored?

Parent 3: Yes. I am self-employed. I have been self-employed for four years, since 2012. I was previously in full-time employment as a civil servant. They asked me for information regarding my current employment and my income, which I provided. They also said that they would check it with HMRC, which I was quite happy for them to do since I have always returned to HMRC each year. They decided instead to base the calculation on my income from five years ago.

Parent 2: I too have only dealt with the Child Maintenance Service, but I have observed that it seems that the Child Maintenance Service does not have the investigatory powers that I understand the old CSA did and I felt that sorely in my own case. Also, on the loss of the grounds of appeal on lifestyle inconsistent with earnings, I think that would have been useful and I have felt that is not there with the CMS.



Parent 1: I have dealt with both the CSA and the CMS. The problem in my case is that the non-residential parent quits his job every time the CSA find him. They did not have the good links that the CMS do to the HMRC and it was taking months at a time to find him, only for him to quit his job again. The CMS should be better in my case with the greater links to HMRC. However, they have yet to find him and we are nine months on.

Q4 **Chair:** Is he working?

Parent 1: As far as we know, yes. Nothing has come up that he is on benefits. They are currently trying to trace a UK bank account, but again every time I ring up there is another excuse why that has not happened. You have to be very proactive with the CMS. You have to ring to instigate the next course of action when the CSA seemed to be more independent and would update me about what they had done.

I was quite lucky with the CSA. I had a restricted national insurance number so I spoke to a very small team each time I rang up. I completely appreciate I probably got a slightly different service, but that still did not guarantee my maintenance. I have had a CSA or CMS case for five and a half years, almost the entirety of my son's life, and I have only had about six payments of maintenance in that time period.

Q5 **Luke Hall:** Parent 3, has there been any mechanism for you? You say that the CMS was not going to take any note of the information you submitted. Was there any mechanism to push that higher up the chain at CMS and ask for it to be reviewed or done again?

Parent 3: It got to a point where they did review it at the end of all the various procedures, information they were asking for again and again. Then they said they would review it. They said they had and they were sticking by their decision to impose a rate based on my last full-time employment income from that year, at which time I was paying maintenance at 20% anyway from that income. Then they said the only thing I can do is appeal to the tribunal, which I did but I have subsequently withdrawn that.

Heidi Allen: I have so many questions I do not know where to start. It is interesting that you have various experiences between the old system and the new. Parent 3, I am interested because I will be honest, my learning about these issues so far has been very much on the mum side where the story is a little bit like Parent 1's where the chap has just disappeared and it is trying to get hold of him. I am interested in your experience of CMS then grabbing hold of your latest tax return or the one that they decided was the right one that was five years old and no longer relevant, because we have to be fair on both sides. That is the whole point of this inquiry. Perhaps Parent 3 or Parent 1 are more likely to comment if you have had experience of the CSA. It was not brilliant, but one of the features that the CSA had that the CMS does not is this—I forget the description—lifestyle. What is the phrase?

Chair: It is the French principle of taxing.



Heidi Allen: Evidence by lifestyle.

Chair: Yes, what your style of living is.

Q6 **Heidi Allen:** They could draw evidence from that. It was very much the focus or the onus was on the person looking for the maintenance that if they looked at the car—more difficult for you, Parent 1, I am guessing, because you do not know where he is. Parent 3 or Parent 1, do either of you have experience of that being a limitation now in the CMS, not being able to on your side prove, “I do not live like this anymore, I do not have that income”? Is it a flaw that it is no longer in the CMS system?

Parent 3: I do not think I have specifically ever noticed anything in their approach or their questions that is about my lifestyle. With both the CSA and the CMS I have been in the same place, self-employed all the time with dealings with both of them. There have been no changes to my situation at all in terms of where I live, how I live and what I have, so I would have to hazard a guess that they accepted that because there would be no reason for them to have questioned it.

Q7 **Heidi Allen:** Okay, because it was consistent. Parent 1, do you have any experience of that?

Parent 1: No. The main problem in my case is finding him and then what happens after that.

Chair: I could never get the CSA to use that power.

Parent 3: Can I make a point following up on that? It is quite interesting that you are saying they cannot find him. I find that situation quite despicable. I have supported my children throughout. My experience with the CMS has been that because I am in one place—and I was a civil servant myself so I know a little bit of what I speak and am about to say—they see me as an easy target to tick a box because I am there. They can get hold of me and they appear to me to be putting in a lot of resources. I say that the amount of times they have contacted me is extraordinary and that is the impression that I have gained, perhaps contrary to the lack of effort being put into finding someone who, it would seem, should occupy more of their time.

Q8 **Chair:** But, Parent 3, why do you think they are putting more in? You say they do not listen. They have set a rate. I would have thought that you would be getting a minimal amount of their time. They know where you are; they have set a rate; they do not listen to you; you have to pay. How do you justify the endless amount of effort on their part?

Parent 3: I am not paying maintenance at the moment. They are pursuing me to do so. I have had a relationship with my two younger children up until very recently where I was living—and I still am—two and a half miles away from them. I have done ever since the separation and I have had a very significant amount of care for them up until May this year when they took it all away.



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Q9 Heidi Allen: It is hard for us and forgive us, we are asking detailed questions on very personal matters. It is quite different to the normal sort of inquiry we do, so thank you. I am interested because it seems to me that the new CMS system is all about family-based arrangements, voluntary, civilised adults coming together—eyes to the ceiling from Parent 2—who are going to make this wonderful decision between them. I sense that the CSA old system was not terribly good at that and this is just going to make it worse, particularly for partners where there has perhaps been domestic violence. It is not easy and my question is: do you think the system is right in that it encourages those voluntary-based arrangements or should it be more of a hunting down and finding and getting the money when it is due service? I would be interested in your views, perhaps starting with Parent 1 and moving on.

Parent 1: When I transferred from the CSA to the CMS, I thought I was quite knowledgeable on the new system. The CSA said that there would be a transfer of the information of non-payment, but that obviously never happened. When you make your claim with CMS you start again at the beginning, so those five and a half years of history were completely lost. You speak to people on the end of a telephone and you make your claim and you have to justify again and again and again why you should have collect-and-pay service rather than a family-based arrangement or direct pay. For me it just was not practical to have a family-based arrangement. I only have an e-mail address of where my son's father is. He will not give me an address or a phone number because he is always worried about me giving it to the maintenance services.

Q10 Chair: That should have been quite easy for them to establish, shouldn't it? If they want a family-based one, they have to find the other side and bring them to the table.

Parent 1: But they constantly use sentences like, "Other families have managed to make a family-based arrangement" as in why couldn't I. You have to justify it again and again and again. There was some abuse in my relationship when I first made my CSA case and I was threatened to drop it. He threatened to release pornographic pictures of me on to the internet, stuff like that, and because I suppose I was vulnerable at the time I did not have the knowledge to realise that was wrong and to put a case forward for that. You tell the CMS this and you kind of become quite unemotional about it because you are having to repeat it again and again. You are initially put on to direct pay and they tell you it is to give the non-residential parent another chance to pay. Well, he has had five and a half years of that and has not paid. When you have a new system, they needed to come across serious from the start, and because he has been given this chance again he is not taking it seriously. Just a different letterhead is not going to prompt him to pay, unfortunately.

Parent 2: For me, I divorced my ex-husband in 2010. We had been separated since 2009 and we had behaved like those sensible adults. We had had a family-based arrangement and the statutory system was somewhere I could turn when he abruptly ceased making payments



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anymore. My children then were aged 14 and 16. It was GCSE time, a lot of pressure on. It was the last thing I needed. I thought they could help me.

We initially started in January 2014. There was no initial fee. We went straight on to collect and pay but no collection charges at that point. Then we got pushed into direct pay. It was forced upon me even though the CMS literature said if there was a history of non-compliance and if the parent with care chose it could remain on a collect-and-pay system. I was sent forms saying, "Would you like to move to direct pay? Please tick yes", no option for no, the drip-drip of subliminal, "Other people can do this and here is the option to liaise between yourselves". We were forced on to direct pay. It did not work. It just became a circus. It went into arrears and we went back on to collect and pay. If somebody does not want to pay and a family-based arrangement has previously failed, then I do not think it is always appropriate to try to re-establish a family-based arrangement that did not work before. That is why I turned to the statutory system.

Whether the service should concentrate on hunting down, as was the other part of the question, I think it needs to do that as well when folk separate. In my own case, my ex-partner has several limited companies. He set up quite a complex arrangement and we are still in a tribunal process at the moment. I had the first hearing in August 2015, the second one in February; late submission of papers meant he bought himself an extra 10 months. I am still waiting for a hearing in December to try to sort this out. I think the Child Maintenance Service needs to play that hunting down and investigatory role as well for family-based arrangements.

Parent 3: I have probably a bit of a history to provide that should illuminate this point. My eldest child is now an adult. She is 22, from my first marriage, our only child. When we divorced, and subsequently for 17 years after that, I paid maintenance voluntarily with no involvement from any agency, agreement with my ex-wife, as both of us were able, in our relationship subsequent to divorce, to put our child first. That worked perfectly well. There did come a time towards the end of that period when I was not earning as a result of redundancy from the civil service and I had to reduce the level, but my first wife accepted that. She understood that what I was doing was perfectly reasonable in the circumstances and there was never a problem. As a voluntary family-based arrangement, that worked perfectly. The comment I am going to make about this and illuminate it in relation to my second relationship is that it works if both parties agree and really do look and think about the child and their needs, and we did.

My second wife has not taken that view. When we split up I was in full-time employment, so I started to pay maintenance at 20% from that, entirely voluntarily again. After I was made redundant, I maintained that level of maintenance for a further 11 months voluntarily, by which time,



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first, I was no longer able to afford it because I was trying to build a business myself and I did not have much of an income and, secondly, as I mentioned earlier, I was seeing my children regularly. In terms of hours and minutes they were not with me as much as they were with their mother but the reality was that I was seeing them very regularly, not just in access but on additional occasions when she asked me to care for them.

She then went to CSA when I stopped paying maintenance and they upheld my appeal ultimately that I was not earning sufficient money for any maintenance to be paid. When it changed to CMS, she simply set that up again, but I had had such a difficult time with the CSA and for that reason only and because my business was improving a little, I said to her, "Don't do that. I will pay you voluntarily 20% of what I'm earning now". She would not accept that and instituted inquiries by the CMS. I have already explained what they have done and I am not currently paying maintenance on the basis that I do not have the money and I was, up until May, looking after my children at a level that I and everybody else and the CSA previously felt was more than sufficient in terms of my responsibility. She has now taken that access away completely after six years and I do not know what is going to happen next.

Parent 4: In my experience, I do not believe the CMS does foster good relationships between separated parents. My own experience is that I have only been able to establish access to my four-year-old son through repeated court visits and court assistance as my ex refused mediation. It got to the point where I had my son every week and I had him for overnight stays, which averaged two nights per week. I qualified for a two-sevenths reduction in my payments. We both lived in Cornwall. My wife recently fled without warning from Cornwall to Anglesey and because I was then unable to afford to maintain weekly access my overnight stay contact reduced to one-seventh. I then had to pay more. It kind of incentivised her to circumvent the court order by fleeing to Wales, so I do not think that has fostered good relationships between us. I think it incentivised her to make things difficult for me.

Q11 **Heidi Allen:** What was the CMS's role in that, though? You were talking about the court there.

Parent 4: We previously had a private arrangement. I was living in Trowbridge in Wiltshire for some time and had to travel to Cornwall weekly to maintain access, which I did. It was 440 miles each way and I asked my wife if she would agree to a partial reduction for my travelling expenses, which she refused. I then involved the CMS myself to establish payment. It is not collected from me. It is something that I pay directly into her bank account.

Q12 **James Cartlidge:** These are obviously very difficult situations and a question for us must be to what extent these problems are treatable by any system or to what extent they are fundamental human problems that



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any system will struggle with.

Parent 3: I would agree with that. I think that is a real key point. It is about how you maintain relationships, which is why I gave the two different examples of how things have gone in my life to date. There is potentially a role for the CMS to be more broadminded about the reality of things rather than just imposing a structured system, but you are right.

Q13 **James Cartlidge:** Systems have to have structures, don't they?

Parent 3: I am not saying there should not be one. I am saying it needs to be more broadminded in the way it is—

Q14 **James Cartlidge:** I appreciate you have not all seen the two systems working, but are there any positives? Have you seen other aspects of the way it handled your cases that are better than previously?

Parent 1: To your first question, while I completely accept my son's father is at fault for avoiding maintenance, to me it is the state's responsibility to hold him to account. He does not physically or emotionally support my child. He should be held to account to at least financially support him, and that is something I would like to be able to tell my son as well. The state has played a part in the collection of child maintenance since the 1500s and had some success in the past. There were collection rates of 80% in places like Yorkshire. That is something we can only aspire to today. Obviously, that was aided by lack of movement between villages and so on. Yes, there will always be people who try to avoid it, but the state should be there to try to hold them to account, certainly.

Heidi Allen: If I could just add on that, one of the things I have learnt in this is that when parents looking after children have difficult lives as a consequence of this, they cannot get out to work, so the state ends up paying doubly. If the father or the parent who is errant is just as responsible—

Q15 **James Cartlidge:** Obviously, we have to work out what issues there are where a system change can make a difference. That is really what we are talking about. In dealing with it on a general efficiency basis, have you seen whether there are any improvements or positives?

Parent 4: From my own perspective, I have found them to be very rigid in their rules. I applied for a variation because I am now having to travel from Cornwall to north Wales to see my son and even though they have agreed my expenses, which I dispute, at £114 per week—so some £456 per month—they have only reduced my monthly payments by £113. I am at the point where I might have to reduce access to once per month because I simply cannot afford it.

To take that forward then, the only independent body is the Courts and Tribunals Service, but before you can go there you have to appeal to the Child Maintenance Service. They follow their diktat and come back with



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exactly the same decision. In the meantime, I am having to spend money that I do not have. I am borrowing money from my parents. I have now gone to the Courts and Tribunals Service. I started the process in July. The Courts and Tribunals Service has notified me but I still do not have a date for a hearing. I am financially disadvantaged by the lengthy process and their rigid rules.

- Q16 **Luke Hall:** Could I ask you about the charges for the collection service when the family-based arrangements are not possible? Would these charges discourage you from using the service?

Parent 2: You are looking at me so I assume you are asking me. When I faced the prospect of making a decision whether to ask the CMS to go back from direct pay to collect and pay, knowing that there would be 4% charges to myself and 20% charges to my ex-partner, I did delay. He missed a payment or did not pay quite enough, I cannot recall which now, so I was told if he was non-compliant I could request to go back. I did put it off for another month and waited for him to be non-compliant again, so I suppose, yes, it was discouraging. However, if I had not gone back to collect and pay knowing that he was going to have to pay more and we were going to have to pay some, we would be getting just whatever he chose to pay. It is discouraging but that works to my disadvantage, I would say, in making me delay longer.

- Q17 **Luke Hall:** Does anybody else have any thoughts on the charges and whether that would discourage you from using the service?

Parent 4: I do not use it personally but I think the charges seem very high from what I have seen of them. It would be some £56 per month extra if I were forced to use that service for me personally.

Parent 1: The charges per se do not put me off, but because I am now paying for that service I suppose I expect a better service for it. I am not currently getting the service I am paying for. They tell you when you make your case all these new, amazing powers the CMS has, but getting them to use those powers is quite a long, arduous process. I have paid the £20. I am unlikely to probably ever get that back, it feels like at the moment, and I have kind of written off ever getting maintenance.

- Q18 **Ms Karen Buck:** We have touched on, in particular Parent 3 and Parent 4, some of the issues around the setting of rates and how that is adjusted for travel and other things. What are your different experiences of how the process is of setting statutory rates for collection?

Parent 4: Further to that, because my ex-wife has refused to enter into the mediation process, I have had to go through the courts now. Since 2013 I have spent just over £42,000 on solicitor's fees to establish the access that I have. The Child Maintenance Service do not take that into account in my salary. They see that I have X amount of salary—I am a paramedic—and that is what they base my payment on. They do not take any of my expenses as such into account, which I think is unfair.



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Q19 **Chair:** Parent 4, when we had a group of mothers that Heidi brought together before us, the thing that stood out for me was the effectiveness of the courts. All of them had to resort to the courts and all of them found satisfaction through the courts. To what extent do you think we are missing the obvious? There is a process by which you can settle disputes in this country, we have had it for about 1,000 years, and this system is in competition with that.

Parent 4: In my own personal experience, I have been forced to go through the courts. Everybody's experiences are obviously individual in that respect. I do not think the Child Maintenance Service has facilitated anything or could have made anything any easier, if that is what you are alluding to.

Heidi Allen: Do we need both, I suppose?

Q20 **Chair:** When you are talking about quite a lengthy process before you can have access to the court, I think the four mothers that came and talked to us, all of them have resorted to the courts, all of them have found satisfaction through the courts and quite quickly. It does seem to me what is the point, what are we playing at? We have a court system.

Parent 4: Yes, and I am using the court system. It is unfortunate that the CMS, with their rules, have seemingly delayed the process by forcing me to return to them to appeal to them first, which as they follow a strict mandate I knew they were going to reject, which they did. All the time it is financially affecting me, it is penalising me.

Q21 **Chair:** Does anybody else want to comment on that evidence we had from the group of mothers from Cambridgeshire about the effectiveness of the court system?

Parent 1: I personally do not have experience of the courts, but to me I think they would certainly be taken more seriously in cases such as mine. You are certainly going to stand up and take notice when you get a summons. A letter from the CMS or CSA can be quite easily ignored.

Q22 **James Cartlidge:** Can you clarify why you have not—maybe I am missing something—yet gone to court?

Parent 1: Because he has to be found first. I have only had the CMS case for nine months so I am giving it a chance, but the courts are the next step, certainly.

Q23 **Ms Karen Buck:** We were just talking about the rates and we have heard Parent 4's view on the fact that courts and other expenses could not be taken into consideration. I do not know if anyone else has a view.

Parent 2: I am finding it quite difficult to get what would be a reasonable assessment based on what appears to be the relatively obvious financially comfortable position of the non-resident parent in my case, who is declaring an income at the moment of £138 a week. I am receiving just over £12 a week for the care of my daughter and have been doing so for



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over a year now. He has several limited companies. I have provided lots of information to the Child Maintenance Service because they asked for information in black and white. They do delay the process. It is a hard slog getting to the point where you do work out that you have to request a variation and you have to go through mandatory reconsideration and you have to have mandatory reconsideration notice and then you have to appeal. I have had no help with my appeal either, so it is slow to get there and it feels quite unequal when you do. My ex-partner is represented by his accountant, who he tells me has an MA in forensic accounting. I am there on my own and there is no pro bono assistance. Citizens Advice cannot help me. I did ask for help from my MP but she said to wait and see what the outcome is. I am still waiting for the outcome, so contrary to what some of those mothers were saying, the point to reach success with the courts has not been quick at all.

Q24 Ms Karen Buck: That is grim evidence. Would it be fair to say, though, that the issue there is—and I think probably all of us as MPs have dealt with this about getting proper disclosure of income rather than the actual setting of the statutory rates?

Parent 2: Well, yes, sorry. I was interpreting you as meaning how those rates are applied to get a calculation in my individual case. That is my difficulty.

Q25 Ms Karen Buck: No, it is helpful. I was just trying to pin down exactly where the problem lies, but the single most common complaint that comes to us is about disclosure of income, particularly when it involves companies and self-employment. Does anybody else have a view on statutory rates and disclosure?

Parent 3: I have always understood it to be 20%. That is what I always paid for my first child voluntarily. Come next March I will see for the first time a profit from my business enterprise. I do not know what is happening with the CMS now but assuming my ex does ask them to come back to me and I obviously submit the returns and they check that with HMRC and they see that I am now in profit, they may drop this idea of going back five years. I am thinking now ballpark what I think that profit will be. If they apply 20% of that, and they now call it gross not net income, which I also do not understand at all, if I am requested to pay 20%, I will not have enough money left over on the basis of what I am earning per month to maintain my rent or any kind of basic lifestyle because the margin will be so narrow. I will be making such a small profit, do you see what I mean, the way they divide it, so in that instance the 20% would potentially leave me unable to pay my rent. It is just a vicious spiral.

Q26 Ms Karen Buck: This is an unfair question but I will ask you anyway just in case you have a view. How do you think it could be done in such a way that it does not require every single person to be constantly tracked in real time week by week according to their income, which would be a bureaucratic nightmare?



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Parent 3: It is very difficult to answer. The CSA accepted that the level of support I gave my children was sufficient for them not to apply any maintenance at all. The CMS has decided not to accept that and apply a rate based on income from five years ago. They have never looked at or said anything about my real income now, so how they would then examine or adjust on the basis of an income from my earnings I just do not know.

My ultimate answer to all of this is that the CMS ought to have looked at my situation overall—it goes back to what I said about more broadminded—and said, “He lives two and a half miles away. He fully supports his children. He is continually supporting his ex-wife and her new husband whenever they ask him to do extra and he is spending a significant amount of the income he does have, part of which is currently from state benefits, on his children. End of.” That would be my answer in my own case.

Q27 **Heidi Allen:** I think the question in front of us here we have probably covered pretty well. On a slightly different tack, do any of you have experience, either yourselves as the payers or the ladies hoping for payment, both sides of the equation, of how the CMS or the CSA look at—we have touched on self-employment a little bit and limited companies you have mentioned, Parent 2, and also when the errant parent is perhaps living off assets or a wealthy new partner? How does the CMS, and if you have experience of the CSA, treat that? We will start with you, Parent 1. It may be more difficult for you.

Parent 1: Yes, because I do not know. At the moment, they have just set a basic rate as to what they think he should pay. It is about £200 a month, but they do not have any income or assets to base that on at the moment. He has had very good jobs in the past. Previously, he was assessed to pay £700 a month. Obviously, I did not get that. He does have quite a lot of arrears but until they find where he is, finding out the answers to those questions, I do not know.

Parent 2: For my own part, they asked me to send in information and said, “Just send us everything you can”, which I did. They did not really do much with it and advised me to go to HMRC and tell them.

Q28 **Heidi Allen:** What sort of information were you providing?

Parent 2: First of all, of course, in the initial stages I said, “This can’t be right. He is saying he is not working. He is saying he has no income. I can see major building works on the front of his house”. “Well, we need to see evidence of that.” Okay, I am dropping the children off to school, so they had photographic evidence. Then I went to Companies House because they said they wanted information in black and white. He was saying, “I do not have any involvement in X company any longer”, taking him at his word, and I would go to Companies House and be able to see from the register that he was the single most interested party in the company he was denying involvement in, and so on. I sent all this in and



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the Child Maintenance Service just said, "If you suspect any fraud or any inconsistency you need to contact HMRC", which I did. They asked me for progress later on and asked me how far I had got with HMRC, so I followed that up with them, told them that the CMS had asked again, and five months later got a standard letter back saying, "We do not get involved and CMS can come to us for information when they need to".

Q29 **Chair:** Presumably, the Revenue has a tax account for your ex-husband or partner, haven't they?

Parent 2: Yes, and he is disclosing a certain level of income, but the different limited companies that he has are not all being taken into account. This is why I have appealed to the tribunal and this is their decision on that.

Q30 **Chair:** If you win your tribunal, it would suggest to the Revenue he is committing fraud, won't it?

Parent 2: Who knows?

Q31 **Heidi Allen:** My understanding is that sometimes income can be put into pensions, assets, a new family life. It seems like it is up to you to be the Sherlock Holmes.

Parent 2: Absolutely, and I have been. I have done lots of detective work, thinking every time this is what the CMS is asking for, I will give them this and then they will look at it, and they don't. You do have to get to the tribunal to try to get it heard.

Q32 **Heidi Allen:** Parent 3, I suspect we probably know from your point of view because you have been the self-employed person, a very hard-working self-employed person who is trying very hard. I suppose in my head I am thinking more that it seems that it has been a ruse that errant parents can use, "I am self-employed. I am not earning anything" and hiding the money in different limited companies. Have they come after you for that? Do you feel like you have been targeted or have they looked at your assets, your pension? Parent 2 provides the evidence but nothing seems to happen with it. From your point of view, have you ever felt on the receiving end of searching for that evidence, being questioned?

Parent 3: No. My situation of self-employment is very simple. I am a sole trader with one company and this is the fifth year of trading and I am about to see my first profit. They would appear not to like the fact that all the evidence is in front of them and shows I haven't got anything.

Heidi Allen: Okay. That is complete opposite evidence.

Parent 3: I will go back to the point I made earlier, listening to everything you have said. Parent 2 seems to be in a very complicated situation. They are not putting the resources into it. Mine is a very straightforward one. I have been living in the same place for six years. They have me on a board that says easy target, let's keep going.



Parent 4: In respect of your question, mine is fairly straightforward. I am an NHS salaried employee. I have no other income so it is quite easy for them to find that out.

One thing I would like to raise is that the CMS does not allow people to claim retrospective reductions in their payments for expenses incurred. I was forced to travel up to north Wales in the first instance on 30 May this year, which was a bank holiday. I tried to contact the CMS on the Sunday and again on the bank holiday Monday to let them know, but they do not work on a Sunday or a bank holiday and they have no facility to let people know that. As a result, they have refused to let me try to claim for that because I had not forewarned them that I would incur these costs. I have costs in excess of £200, which they are adamant they will not look at at all. The only way I seem to have got anywhere with the CMS is when I put in a formal complaint and enlisted the support of my MP, Mr George Eustice, who has written to the Committee in the past. I have found his support very useful.

Q33 **James Cartlidge:** I think all of these points go back to my previous question. To what extent can the system be changed to adapt to lots of different circumstances? You are all coming from different angles and I suppose it begs the question: if you were in charge for a day and you had to come up with one reasonable, practical change that could be made to the current system, what would that be?

Parent 4: I would like them to listen more because I just do not get the feeling that they are listening to the problems that parents on both sides experience. Perhaps it is not their fault, but the facilities they need do not seem to be in place to deal with those issues promptly.

Parent 3: I would like them in situations where the non-resident parent lives in close proximity, as I have, to find out what level of support is already being provided and some sort of financial assessment of that. I did submit to the CSA a breakdown over three months to show the level of income, and I did not include any lost working days on that, which I frequently had. I think that was significant in them upholding my appeal. I have submitted the same to CMS, who have taken no notice of it at all. The biggest difference I would say is if a parent we are looking to for provision of maintenance is already contributing a significant amount of support, financial or otherwise, because they live close by and effectively have an ongoing supporting relationship with their children, that should be taken into account.

Parent 2: I would like to see better advice for people who come into the system with quite a complex situation and a clearer route showing the pathway to tribunal, how to get there and what you need to know. It is all very obscure or seems shrouded in scary words like "refusal to supersede", which can be quite off-putting and intimidating. I would like to see them have greater investigatory powers. As you say, they are sort of halfway there. If we are not to be referred to the court system, what



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are they playing at holding us up? Either help us to investigate or get us to the court system and advise us how to do it.

Parent 1: Mine is kind of a retrospective change, which would not be possible anymore, but the transfer from the CSA to the CMS was not an easy process. People should not have had to start again. It has put my case back after years and years of work by the CSA. They were about to take legal action at the point I transferred—well, it was not transferred, making a new claim—and unfortunately you cannot pick up where you left off. For me to get to the state of legal action again is now probably four and a half years away, so it has set me back quite a long way.

For me, just the language that is used by the CMS puts people off, telling you how other families have managed to make family-based arrangements. Being a bit more understanding and giving better advice on the phone and keeping you updated on your case without you having to proactively call them. I work full time and having to call them, and my son sometimes having to overhear the conversation, is not great.

Chair: Thank you very much. That is a great help to us.