



## **Family Relationships (Impact Assessment and Targets) Bill [HL] HL Bill 22 of 2017–19**

### **Introduction**

The [Family Relationships \(Impact Assessment and Targets\) Bill](#) is a private member's bill introduced by Lord Farmer (Conservative) in the House of Lords on 29 June 2017. It is scheduled to have its second reading on 23 February 2018.

The Bill would require government departments (and other public bodies designated by statutory instrument) to publish 'Family Impact Assessments' (FIAs) setting out an assessment of the impact of a policy proposal on families and family relationships. Secondly, it would require the Secretary of State to publish objectives and targets for promoting "strong and stable families" and for the Government to report on its progress towards meeting these objectives. Clause 4 of the Bill defines strong and stable families as:

[F]amilies which have relationship qualities that contribute to the emotional health and well-being of the family, including that the parents or guardians with whom a child lives remain consistent over time.<sup>1</sup>

Lord Farmer has described strong and stable families as "the building blocks of a flourishing society".<sup>2</sup> He has argued that the impact of government policies on families is not routinely measured:

Policy makers do not habitually consider, in a systematic way, if and how policies support family relationships. It is as members of families that people usually experience the effects of policies and engage with public services: families are impacted by policies and influence their effectiveness. Yet the focus of policy is typically on individuals. It is therefore essential to ensure that a family perspective is consistently applied to policy making.<sup>3</sup>

In October 2014, the Coalition Government published guidance for government departments to consider the impact of policies on families and family relationships (the 'Family Test').<sup>4</sup> The Explanatory Notes to the Bill states the principles of FIAs contained within the Bill are based on this guidance.<sup>5</sup> Lord Farmer has expressed concern about the current status of the Family Test and that reports are not required to be published:

I have found a lack of clarity in some departments about whether this is still government policy, so it has by no means become embedded. Moreover, officials are under no compulsion to publish the results and findings from impact assessment exercises, which makes a mockery of transparency and accountability.<sup>6</sup>

In January 2018, Kit Malthouse, Parliamentary Under Secretary of State for Work and Pensions, said that the Department for Work and Pensions was “working hard” to embed the Family Test across Government. It was offering advice to other government departments that were instituting it and the Government would continue to “push [it] forward”.<sup>7</sup>

### Summary of the Bill’s Provisions

Clause 1 of the Bill would require government departments to consider the impact on families and family relationships when publishing a proposal for a change in public expenditure, administration or policy. This would include but not be limited to legislative proposals. Clause 1(6)(b) would allow the Secretary of State to designate, by regulations, any other public body to be subject to clause 1. Clause 1(1) would require government departments to either publish an assessment of the likely impact of the proposal on families and family relationships (a ‘Family Impact Assessment’ [FIA]) or a statement setting out its reasons for concluding that it does not need to do so. The Bill sets out what the government department must have regard to in applying an FIA, this includes the policy’s likely impact on:

- (a) a person’s ability to play a full part of in their family’s life, in particular their ability and capacity to discharge caring responsibilities for a child or other dependent family member;
- (b) family formation processes (including parenthood, marriage, cohabitation and re-partnering);
- (c) families undergoing transition such as the birth, adoption or fostering of children, marriage, bereavement, redundancy and the on-set of long term ill-health;
- (d) couples who separate and their families while preparing to separate, during and after separation;
- (e) couples whose relationships are fragile and at risk of breaking down and separating; and
- (f) families wherein relationships are fragile and at risk of breaking down not covered under paragraph (e).<sup>8</sup>

Clause 1(3) would require the FIA to conclude whether the policy would have an overall positive or negative impact on families. It would also require the FIA to include an assessment of the impact on different family types, where this differential impact exists. If the FIA found there would be a negative impact, clause 1(4) would require the government department to publish a statement explaining why it proposed to continue with the policy and how it would mitigate the negative impact. Clause 1(5) sets out the definition of “family” and “families” used by the Bill. Clause 2 would require the Secretary of State to assess the costs and benefits of extending the requirements under clause 1 to local authorities in England and Wales. The Secretary of State would be required to publish a report detailing this assessment within six months of the Act coming into force.

Clause 3 would require the Secretary of State to publish a report setting out:

- the Government’s objectives and targets for promoting strong and stable families;
- its proposals for meeting them;
- the indicators by which progress towards meeting these objectives is to be measured; and
- the data upon which the objectives, targets and indicators would be based.

The initial report would have to be published within nine months of the Act coming into force and the Secretary of State would have to publish a progress report in each subsequent year. The objectives and targets would have to be reviewed every three years. The objectives and targets may be amended following the publication of a progress report, but any such changes would have to be explained either in the report or in a supplemental statement.

Clause 4 of the Bill provides for the interpretation of various phrases and terms used within the Bill. The Bill would extend to England and Wales and come into force three months from the day on which the Act was passed.<sup>9</sup>

### **The Government's 'Family Test'**

Following riots in 2011, the then Prime Minister, David Cameron, said in a speech that he wanted to introduce a 'family test' that would be applied to all domestic policy.<sup>10</sup> A second speech in August 2014 reiterated the then Coalition Government's intention to introduce such a test to government policy making. Mr Cameron said that "put simply that means every single domestic policy that government comes up with will be examined for its impact on the family".<sup>11</sup> In October 2014, the Department for Work and Pensions (DWP) published guidance for government departments on the Family Test.<sup>12</sup> The Guidance was published in collaboration with the Relationship Alliance.<sup>13</sup> The DWP stated that the Test's objective was to introduce an explicit family perspective in the policy making process. This was to ensure that potential impacts on family relationships and functioning were made explicit and recognised in the process by which the Government made new policy.<sup>14</sup>

The Guidance stated that in some instances it may not be appropriate to apply the Family Test and that some policies may not have any impact "at the level of the family per se, or where the impact is small and indirect, or temporary in nature".<sup>15</sup> However, it also stated that if there was doubt the five questions that form the basis of the Test should be addressed and any further analysis would need to be carried out.<sup>16</sup> The five questions were:

1. What kinds of impact might the policy have on family formation?
2. What kind of impact will the policy have on families going through key transitions such as becoming parents, getting married, fostering or adopting, bereavement, redundancy, new caring responsibilities or the onset of a long-term health condition?
3. What impacts will the policy have on all family members' ability to play a full role in family life, including with respect to parenting and other caring responsibilities?
4. How does the policy impact families before, during and after couple separation?
5. How does the policy impact those families most at risk of deterioration of relationship quality and breakdown?<sup>17</sup>

The purpose of the questions was to raise awareness of the aspects of family and relationships that public policy can impact, to "generate insights through the process of addressing the questions, and recording anticipated impacts early in the policy making process".<sup>18</sup> The Guidance stated that departments should consider the questions but that not all will be relevant, and some answers may apply to more than one question:

You should reflect on all of the questions, but some will be more relevant than others for particular policies, while some will not be applicable. There will inevitably be overlap in responses to questions; it is not intended that particular questions are considered in isolation.

Policy will often have both a positive and a negative impact, sometimes simultaneously, and sometimes have an impact over different time periods. It is important to try to capture this in your assessment. Given the nature of the impacts being considered, it is inevitable that in most cases the assessments will be qualitative in nature.<sup>19</sup>

The Guidance stated that it was important to document the process of applying the Family Test. Where a detailed assessment was carried out the department should consider creating a standalone document to “bring together [its] analysis”.<sup>20</sup> Departments should also consider publishing their assessments.<sup>21</sup>

## Recent Parliamentary Developments

In June 2015, Caroline Ansell (then Conservative MP for Eastbourne) introduced a similar private member’s bill into the House of Commons.<sup>22</sup> However, the Bill did not proceed beyond second reading. In the second reading debate, the then Minister for Employment, Priti Patel, explained that the then Government opposed Caroline Ansell’s Bill. Ms Patel stated that placing the Family Test on a “legislative footing”, would result in the Test becoming what she argued would be a “tick-box exercise across government departments”.<sup>23</sup> The current Government has said that it did not design the Test to be a ‘tick-box exercise’:

The Government is committed to supporting families. To achieve this, in 2014 the Department for Work and Pensions introduced the Family Test, which aims to ensure that impacts on family relationships and functioning are recognised early on during the process of policy development and help inform the policy decisions made by ministers. The Family Test was not designed to be a ‘tick-box’ exercise, and as such there is no requirement for departments to publish the results of assessments made under the Family Test.<sup>24</sup>

On 30 January 2018, the House of Commons held a debate on marriage in government policy. During this debate, Fiona Bruce (Conservative MP for Congleton) expressed concern that the Family Test “is not being applied in the comprehensive way that I believe the former Prime Minister intended”.<sup>25</sup> This followed a series of written questions she had asked to different government departments about their application of the Family Test.<sup>26</sup> Responding to the debate for the Government, Kit Malthouse, Parliamentary Under Secretary of State for Work and Pensions, said that the Department was “working hard” to embed the Family Test across government. It was offering advice to other government departments that were instituting it and the Government would continue to “push [it] forward”.<sup>27</sup>

## Further Background Information

The implementation of the Family Relationship (Impact Assessment and Targets) Bill was the second of 18 policies in *A Manifesto to Strengthen Families: Policies for a Conservative Government to Strengthen Families*.<sup>28</sup> The manifesto was drafted by Fiona Bruce and Lord Farmer. It was supported by 57 MPs and ten Members of the House of Lords.<sup>29</sup> It was debated in the House of Lords on 2 November 2017.<sup>30</sup> The Lords Library’s Briefing for the debate is available below:

- House of Lords Library, [Debate on the Impact of ‘A Manifesto to Strengthen Families’](#), 27 October 2017

The manifesto was also considered in a debate in the House of Commons moved by Fiona Bruce on 8 February 2018.<sup>31</sup> The Commons Library's briefing for the debate is available below:

- House of Commons Library, [Strengthening Families](#), 7 February 2018

The House of Commons Library has also published a briefing on the Family Test:

- House of Commons Library, [The Family Test](#), 1 February 2017

This includes a discussion of a report by the Family and Childcare Trust, Relate, and Relationship Foundation (and 14 other charities) on the implementation of the Family Test,<sup>32</sup> and a report by the Centre for Social Justice.<sup>33</sup>

In December 2017, the Jo Cox Commission's report *Combatting Loneliness One Conversation At a Time: A Call to Action*, stated that it wanted to see further development of the Family Test to "become a Family and Relationships Test, through which new government policy is assessed not only for its impact on families, but also on connections between individuals and within communities".<sup>34</sup>

---

<sup>1</sup> Clause 4.

<sup>2</sup> Text provided by Lord Farmer on request from the Library.

<sup>3</sup> *ibid.*

<sup>4</sup> Department for Work and Pensions, [The Family Test: Guidance for Government Departments](#), October 2014.

<sup>5</sup> [Explanatory Notes](#), p 1.

<sup>6</sup> [HL Hansard, 2 November 2017, col 1514.](#)

<sup>7</sup> [HC Hansard, 30 January 2018, col 287WH.](#)

<sup>8</sup> Clause 1(2)(e) to (f).

<sup>9</sup> Clause 5.

<sup>10</sup> Cabinet Office, Prime Minister's Office and 10 Downing Street, '[PM's Speech on the Fightback After the Riots](#)', 15 August 2011.

<sup>11</sup> Prime Minister's Office and 10 Downing Street, '[David Cameron on Families](#)', 18 August 2014.

<sup>12</sup> Department for Work and Pensions, [The Family Test: Guidance for Government Departments](#), October 2014.

<sup>13</sup> The Relationship Alliance is a coalition of organisations dedicated to developing strong and stable couple and family and social relationships. Members are Relate, Marriage Care, OnePlusOne, and The Tavistock Centre for Couple Relationships.

<sup>14</sup> Department for Work and Pensions, [The Family Test: Guidance for Government Departments](#), October 2014, p 3.

<sup>15</sup> *ibid.*, p 4.

<sup>16</sup> *ibid.*

<sup>17</sup> *ibid.*, pp 7–8.

<sup>18</sup> Department for Work and Pensions, [The Family Test: Guidance for Government Departments](#), October 2014, p 5.

<sup>19</sup> *ibid.*

<sup>20</sup> *ibid.*

<sup>21</sup> *ibid.*

<sup>22</sup> [Assessment of Government Policies \(Impact on Families\) Bill, Bill 26 of session 2015–16.](#)

<sup>23</sup> [HC Hansard, 4 December 2015, cols 673–9.](#)

<sup>24</sup> House of Commons, '[Written Question: Department for Exiting the European Union: Families](#)', 8 January 2018, 119212.

<sup>25</sup> [HL Hansard, 30 January 2018, col 276WH.](#)

<sup>26</sup> *ibid.*

<sup>27</sup> *ibid.*, col 287WH.

<sup>28</sup> Fiona Bruce and Lord Farmer, [A Manifesto to Strengthen Families](#), 6 September 2017, p 4.

<sup>29</sup> As listed on the inside front cover of: Fiona Bruce and Lord Farmer, [A Manifesto to Strengthen Families: Policies for a Conservative Government to Strengthen Families](#), 6 September 2017.

<sup>30</sup> [HL Hansard, 2 November 2017, cols 1511–43.](#)

<sup>31</sup> [HC Hansard, 8 February 2018, cols 629–66WH.](#)

<sup>32</sup> Family and Childcare Trust, Relate, Relationship Foundation et al, [Implementing the Family Test: A Review of Progress One Year On](#), March 2016.

<sup>33</sup> Centre for Social Justice, [Where Next for the Family Test](#), March 2016.

<sup>34</sup> Jo Cox Commission, [Combatting Loneliness One Conversation at a Time: A Call to Action](#), December 2017, p 14.

---

House of Lords Library Briefings are compiled for the benefit of Members of the House of Lords and their personal staff, to provide impartial, politically balanced Briefing on subjects likely to be of interest to Members of the Lords. Authors are available to discuss the contents of the Briefings with the Members and their staff but cannot advise members of the general public.

**Any comments on Briefings should be sent to the Head of Research Services, House of Lords Library, London SW1A 0PW or emailed to [purvism@parliament.uk](mailto:purvism@parliament.uk).**